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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/2*

Morocco

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Introduction[1]

1. The Kingdom of Morocco hereby submits its report under the third cycle of the universal periodic review mechanism (UPR), in accordance with the general guidelines of the Human Rights Council.

I. Methodology and consultation process adopted

2. This report has been prepared in accordance with a participatory process coordinated by the Interministerial Human Rights Unit. Seven consultation meetings were organized with representatives of government departments, national institutions and Parliament, after the focal points of these stakeholders had undergone training on the universal periodic review and the reporting methodology under the mechanism. The report also benefited from extended regional consultations held in Laâyoune, Marrakech and Casablanca on 16 July, 26 November and 15 December 2016, respectively. A study day for parliamentarians was held by the Interministerial Unit on 21 May 2016, with the participation of experts from the Regional Office for the Middle East of the United Nations High Commissioner for Human Rights and the United Nations Development Programme (UNDP), on the role of parliaments in the human rights mechanisms, particularly the universal periodic review. Media professionals, also, took part in a study day held by the Unit in Marrakech on 26 November 2016 on the role of the media in strengthening the international human rights commitments of Morocco. An international seminar entitled "Follow-up to the implementation of UPR recommendations and strategic planning on human rights: Comparison of experiences and good practices" was organized by the Unit on 3 and 4 December 2013 as part of the preparation of the midterm report submitted in May 2014.

3. Prior to the submission of the report, its procedures, methodology and content were presented to Parliament on 17 and 26 January 2017. The report was also presented to the Children's Parliament and discussed at a consultation meeting held on 20 January 2017.

4. The universal periodic review and its recommendations were the subject of a joint project conducted in September 2013 by the Unit, the UNDP office in Morocco and the United Nations agencies accredited to Morocco to help the Government integrate human rights into public policies by following up the implementation of recommendations made by the three United Nations human rights mechanisms: the universal periodic review, the human rights treaty bodies and the special procedures.

5. The Unit set up an information system and, in consultation with its partners, designated focal points in each of the partners concerned to ensure the monitoring of the implementation of recommendations. This achieved three objectives, namely to facilitate and improve reporting on human rights, support the integration of human rights into public policies and ensure the dissemination of the commitments made by Morocco.

II. New developments since the previous review

A. Improved interaction with United Nations human rights mechanisms

6. The period under consideration was marked by the visit to Morocco of four special rapporteurs[2] and the consideration by the human rights treaty bodies of five national reports.[3] Morocco also extended its accession to the international human rights treaties by its accession to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the First Optional Protocol to the International Covenant on Civil and Political Rights.

7. Moreover, Morocco hosted the Second World Human Rights Forum from 27 to 30 November 2014, which served as a platform for debate and the exchange of views among

all the national, regional and international actors on the main human rights issues and concerns.

B. Establishment and consolidation of institutions provided for under the Constitution

8. The Government has made it a priority to develop legislation on the establishment of bodies holding constitutional status for the protection and promotion of human rights, good governance and regulation, sustainable human development and participatory democracy. To that end, consultations have been held with civil society, in which national institutions have also been involved. The following laws have been adopted as a result:

- Organic Act on the Economic, Social and Environmental Council,[4] under which the Council is authorized to express its views on the general direction of the national economy, sustainable development and social and environmental questions relating to the advanced regionalization process. Under the Act, membership of the Council was expanded, with the result that it can be represented on other bodies
- Act on the National Authority on Probity and the Prevention of Corruption,[5] under which the powers of the Authority are extended and its activities and resources strengthened, in order to coordinate and assure follow-up to the implementation of policies to prevent and combat corruption
- Act on the Higher Council on Education, Training and Scientific Research,[6] under which the Council's powers are extended to include also the areas of education, training and scientific research, to strengthen its autonomy and to broaden its membership

9. Morocco has embarked on an overhaul of the national legal framework relating to freedom of prices and competition,[7] with a view to strengthening the powers and the remit of the Competition Council.[8] This body has been given the power to make decisions, carry out investigations and impose punishment with a view to tackling anti-competitive practices, unfair trade practices and market concentration and monopoly operations.

10. The following laws on institutions provided for under the Constitution have recently been adopted: the Act on the Consultative Council on the Family and Children,[9] the aim of which is to ensure that the situation of the family and children is monitored, to issue its views in this regard and to ensure the monitoring of the implementation of national programmes set up by various departments and competent bodies and the Act on the Reorganization of the High Authority for Audiovisual Communication,[10] the purpose of which is to strengthen the Authority's mandate to ensure that all schools of thought and opinion respect the right to self-expression by providing it with mechanisms enabling it to honour the diversity of Moroccan society and prevent any monopoly on the audiovisual media.

11. A new bill on the National Human Rights Council gives the Council the powers of a national mechanism for the prevention of torture,[11] as provided for in the Optional Protocol to the Convention against Torture and other mechanisms provided for under international human rights instruments. In March 2016, the Council again obtained A status accreditation as an institution in full conformity with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles).

12. The bill on the Authority for Gender Equality and Action against All Forms of Discrimination, a constitutional body established by virtue of article 19 of the Constitution, was adopted by the House of Representatives on 10 May 2016.

13. The adoption of legislation on the institution of the Ombudsman, the Council of the Moroccan Community Abroad and the Consultative Council for Youth and the Voluntary Sector is also under way.

C. Incorporation of the human rights commitments of Morocco in public policies

1. Justice reform

14. Morocco has embarked on a major reform of the justice system, in accordance with the provisions of the Constitution and international standards on the establishment of an independent, impartial judicial system that guarantees respect for human rights and the primacy of the law. The reform started with the adoption in 2013, following a national consultation process with all the parties concerned, of the Charter on the Reform of the Judicial System, which set out six objectives.

15. As a result, with a view to implementing the principle of the independence of the judiciary, Parliament adopted the Organic Act on the Supreme Council of Judicial Power[12] and the Organic Act on the Status of Judges.[13] The latter provided judges with guarantees on their independence, their appointment, their promotion and their retirement and also on disciplinary issues. It also established the conditions for the representation of judges on the Supreme Council of Judicial Power and provided for illegality proceedings. The Organic Act on the Supreme Council of Judicial Power adopted by the House of Representatives in June 2016 contains a number of provisions on prompt and effective remedy, particularly as regards access to justice. A bill on the conditions and procedure for the right of action in the case of the non-constitutionality of a law is currently in the process of being adopted.

16. The implementation of the recommendations contained in the Charter involved the drafting of two bills, on the Code of Criminal Procedure and the Criminal Code, which introduced provisions to strengthen human rights, such as the requirement to give due consideration to litigants' rights, as recognized by the Constitution and international instruments.

17. Article 1 of the draft Code of Criminal Procedure reaffirms the principles of international standards on equality before the law, the right to a trial within a reasonable period, respect for the right to a defence and guarantees for the rights of victims and defendants. It also affirms the principle of redress for victims of human rights violations. Article 3 relates to respect for the principles of neutrality, procedural integrity and security and litigants' rights.

18. These guarantees consist of, among others, measures on police custody; action to rationalize the use of pretrial detention by treating it as an exceptional measure; the promotion of mechanisms to combat torture by requiring the relevant officer of the criminal investigation service, after notifying the public prosecution service, to arrange a medical examination for persons placed in police custody in cases where the officer observes that the person concerned is ill or shows any other sign of needing such an examination; and stronger judicial control over the work of the criminal investigation service. The draft Code of Criminal Procedure also provides for appointing the Crown Public Prosecutor of the Court of Cassation to head the public prosecution service and transferring to him or her the powers of the Minister of Justice relating to the public right of action (art. 51-1).

19. As for the right to a defence, the draft Code provides for the presence of a lawyer during the hearing of an alleged offender who has not been placed in police custody (art. 67-3). Alleged offenders in police custody who are suffering from the diseases listed in article 316 of the Code are entitled to have a lawyer present during the hearing of their case (art. 66-2).

20. The draft also contains provisions strengthening the protection of minors in conflict with the law. Thus, under article 473, a person under the age of 15 years may not be imprisoned, even on remand, whatever offence he or she may have committed. If it was a serious offence, the juvenile court judge requests an inquiry in order to establish the measures required to guarantee the minor's protection. Article 474 states that the task of conducting a social inquiry should be undertaken by a female social worker working in the care units attached to the courts for children and women.

21. Likewise, article 482 provides for the possibility of replacing a sentence of deprivation of liberty by an alternative punishment and article 517 provides for the

possibility of extending to offenders aged up to 18 years the protection afforded to children in a difficult situation.

22. The draft Criminal Code also characterizes as offences enforced disappearance (art. 231-9), smuggling of migrants (art. 231-18), illicit enrichment (art. 256-7) and the crime of genocide, crimes against humanity and war crimes (art. 448-5). It also amends provisions defining certain crimes, such as torture (art. 231-1), abortion (art. 449), discrimination (art. 431-1) and child sexual abuse.

23. he military courts have been the subject of comprehensive and integrated reforms, as expressed in the new Military Courts Act.[14] The Act provides for the independence of military courts and guarantees a fair trial. It abolishes the Military Courts Directorate, which previously formed part of the National Defence Administration, and appoints the Crown Public Prosecutor, who becomes responsible for instituting judicial proceedings.

24. n the recommendation of the National Human Rights Council, the Act describes the military courts as a specialized judicial institution. It also introduces changes to various aspects of the judicial procedure, jurisdiction, organization, composition and functioning of military courts.

25. he limitations placed on the jurisdiction of military courts constitute a major change in the law by excluding civilians from the jurisdiction of military courts, whatever the offences committed. Equally, members of the military are excluded from the jurisdiction of such courts in cases where they commit ordinary law offences. Moreover, offences committed by officers, non-commissioned officers and other ranks of the Royal Gendarmerie not in connection with their duties with the criminal investigation service or the administrative police do not come under the jurisdiction of military courts. As far as legal remedies are concerned, the new Act introduces a second level of courts, bringing the military courts into line with the other courts making up the national judicial system.

26. he Act also allows persons who have suffered personal injury or material or moral harm caused by an offence that is publicly actionable before the military courts to bring criminal indemnification proceedings, a procedure that was not permitted under the previous law.

2. Reform of the Organic Act on the Finance Act

27. The Organic Act on the Finance Act[15] reflects the new constitutional provisions by giving due prominence to the principles of good governance in such matters as public finance. The Organic Act aims to enhance the effectiveness, efficiency and consistency of public policies, improve the quality of public service provided for the Moroccan people and make sure that the associated expenditure is more rational. The gender perspective is mainstreamed in article 39 of the Act, which provides that gender should be taken into consideration when targets and indicators are set.

3. Integration of gender equality into public policies

28. The Centre of Excellence for Gender-sensitive Budgeting,[16] which was established in February 2013, constitutes a platform for partnership and the sharing and exchange of knowledge about gender-sensitive budgeting. It forms part of an overall pattern for the promotion of democracy, good governance and analysis that is sensitive to the needs and rights of various social categories, such as children, persons with disabilities and migrants. The new dynamics of the Centre also embraces the gender perspective in connection with climate change and the principle of territoriality.

29. Morocco has worked for the implementation of gender-sensitive budgeting since 2002. As a reflection of that, 33 departments contribute to the budget report, on the basis of results that take into account the gender dimension of the Finance Act.

4. Strengthening of women's participation

30. The strengthening of women's participation began with the introduction of the right to submit petitions and proposals and the practice of public consultation. Against this background, the recommendations that arose out of the nationwide dialogue on civil society

and its new constitutional prerogatives served as the basis for the development of the regulatory framework for women's participation not only regionally and locally but also at the national level.

31. At the local and regional levels, the relevant legislation includes the organic laws on territorial collectives,[17] which grant the right to submit petitions and establish participatory mechanisms for dialogue and consultation to promote the involvement of members of the public and of associations in drawing up and monitoring development programmes. These laws are the Organic Act on the Regions, the Organic Act on Provinces and Prefectures and the Organic Act on Communes. The Organic Act on the Right to Submit Petitions to the Public Authorities[18] and the Organic Act Establishing the Conditions and Modalities for the Exercise of the Right to Submit Legislative Proposals[19] apply to the country as a whole. A draft framework law on public consultation is under consideration by the Government.

32. Two elections were held: the communal and regional elections of 4 September 2015, which strengthened the country's advanced regionalization process, and the election of members of the House of Representatives on 7 October 2016, which took place within the allotted time frame and with the requisite transparency, in the presence of national and international observers.

5. Realization and consolidation of sectoral policies on human rights

(a) Government plan for gender equality (PGE) 2012-2016

33. The government plan for gender equality 2012-2016, which was adopted in June 2013, constitutes a common framework of action, bringing together the various initiatives taken to integrate women's rights into public policies. It sets out 8 spheres of activity, divided into 24 objectives and 156 measures. The Interministerial Equality Commission was set up in 2014 as a mechanism for monitoring and implementing the plan. An interministerial technical committee and an information and follow-up system were also established. The implementation of the plan has been a marked success. Of the 156 measures contained in the plan, 75 have been implemented in full and 86 per cent had a success rate of over 70 per cent.

(b) Integrated public policy on child protection (PPIPE)

34. The integrated public policy on child protection was adopted in 2015, following a participatory midterm assessment in 2011 of the National Plan for Children that showed up the limitations of the Plan as regards protection. The policy contains five strategic headings, focusing on the protection of children against all forms of violence and abuse, negligence and exploitation, including sexual exploitation. A national programme for the implementation of the policy, which is made up of 25 objectives and 115 measures, with follow-up and evaluation indicators for each measure, was put in place.

35. The Government also established the National Integrated Strategy for Youth 2015-2030, which aims to put young people at the heart of public policy.[20]

(c) Integrated public policy for the promotion of the rights of persons with disabilities (PPIPSH)

36. The policy, which was approved in 2015, was drawn up by the Government following a dialogue and consultation process. The policy, which is backed up by an interministerial follow-up mechanism, aims to guarantee persons with disabilities access to their rights and to promote their social participation. It is divided into nine cross-cutting sections and five thematic sections dealing with strategy, one of which relates to convergence, management and governance. A government plan of action for the implementation of the policy has been drawn up.

(d) New immigration and asylum policy (NPIA)

37. The new immigration and asylum policy[21] was launched in September 2013, following directives from His Majesty the King that spelled out the country's determination to fulfil its international human rights commitments and thus adopt a policy that is

humanitarian in its philosophy, comprehensive in content and pioneering at the African regional level. The policy is also an indication of the strong contribution made by Morocco to international action and its solidarity in the face of attacks on human rights due to the current asylum and immigration crises.

38. The Government has drawn up an integrated national policy on the protection of the rights of Moroccans living abroad. This involves setting up various economic, social, cultural, educational and legal programmes, in coordination with the departments and institutions concerned, particularly the Hassan II Foundation for Moroccans Living Abroad and the Council of the Moroccan Community Living Abroad, in the interests of upholding the rights and interests of these citizens.

(e) Promotion of social protection

39. A number of measures have been taken to improve the social protection system by extending social and medical coverage to various categories of the population. These include (1) the ratification in 2013 of the International Labour Organization (ILO) Social Security (Minimum Standards) Convention, 1952 (No. 102);[22] (2) the reform of the civil pensions system of the Moroccan Retirement Fund[23] and the raising of the minimum pension from 1,000 dirhams to 1,500 dirhams per month; (3) the introduction of basic medical cover for students; (4) new rules on compensation for occupational accidents; (5) the introduction of indemnity for loss of employment; (6) the extension of the range of services under the compulsory health insurance system[24] to the provision of dental care for active employees and retired persons in the private sector; (7) the reimbursement of salary contributions of persons insured with the National Social Security Fund[25] who have reached the legal retirement age since 2000 without having accumulated the minimum number of days (3,240) establishing the right to an old-age pension; and (8) improvements in the governance of institutions and funds responsible for the management of social protection regimes.

40. In addition, a bill on the basic compulsory health insurance system as it applies to professionals, independent contractors and self-employed persons engaging in a liberal profession is in the process of being adopted.

(f) National Water Strategy and Plan (PNE)

41. Article 31 of the Moroccan Constitution establishes as a basic right "equal access by citizens to conditions enabling them to enjoy the right to access to water and a healthy environment". The efforts made by Morocco in the water sector have led to the completion of major infrastructure projects ensuring water security for the country by fulfilling established requirements guaranteeing the right to access to water.

42. The adoption of the Water Act[26] was aimed at strengthening governance in the sector by simplifying procedures, making full use of rainwater and sewage and putting in place a legal framework for the desalination of seawater. It also sought to mitigate the obstacles to the effective and sustainable management of water resources, reduce the effects of climate change and establish the principles of good governance, participation by the stakeholders and consultation with them.

43. The National Water Strategy and Plan, which is currently going through the approval procedure, was put in place against that background. In addition to water economy and improved supplies, it seeks to develop alternative sources of water by reusing treated sewage, desalinating seawater and capturing rainwater. It also encourages improvements in managing the demand for water, conserving water resources and adapting to climate change through the adoption of measures for the management of extreme phenomena, namely drought and floods.

(g) Strategy of the Green Morocco Plan (PMV)

44. Morocco is continuing to implement its national agricultural development strategy, which is based on two principles combining economic and social needs: modern agriculture and supportive agriculture.

45. Supportive agriculture works to support the fight against poverty by improving the agricultural incomes of the most vulnerable farmers, particularly those in outlying areas. The Agricultural Development Fund,[27] which works to promote private agricultural investment, has been overhauled under the Green Morocco Plan and now pays particular attention to small farmers. Thus, over the period 2012-2014, almost 50 per cent of the farmers who received subsidies from the Fund were small farmers who worked less than 10 hectares.

46. The Green Morocco Plan has also changed the dynamics of employment. In terms of person-days, agricultural employment increased by 16 per cent between 2012 and 2015, compared with the period 2005-2007.

47. The Plan runs several programmes to combat regional disparities, poverty and precariousness. These include a grazing programme aimed at small farmers and landless herders, the Rural and Mountainous Areas Development Fund,[28] which targets rural and mountainous areas and populations — 2.761 billion dirhams were paid out by the Fund between 2012 and 2015 — and the development of areas containing oases and argan trees, which are considered vulnerable, through the promotion of human, economic and cultural development and through measures to make the best use of natural resources, protect the environment and preserve ecosystems.

48. The Plan supports the conservation and the more rational use of water resources through the National Programme for Economy of Water Irrigation,[29] whereby surface irrigation and overhead irrigation were replaced by water-efficient localized irrigation over an area of almost 550,000 hectares for a period of 10 years. The surface area covered by localized irrigation systems thus increased from 160,000 hectares in 2008 to 450,000 hectares in 2015, which represents an implementation rate of almost 82 per cent of the target under the Plan by 2020. Of the agricultural holdings involved in these projects, 80 per cent are smaller than five hectares.

(h) National Sustainable Development Strategy 2015-2020 (SNDD)

49. The adoption in 2014 of the Framework Law on the National Charter on the Environment and Sustainable Development[30] was aimed at strengthening the country's legal system in that regard.[31]

50. The National Sustainable Development Strategy 2015-2020 was drawn up following consultations with the stakeholders. It identifies seven priority issues, including the need to speed up the implementation of the national climate change policy. Three strategic areas were identified for this purpose: the improvement of climate governance, the expansion of regional climate plans and the improvement of the existing financial mechanisms.

51. The Strategy, which has the objective of establishing a green and inclusive economy in Morocco by 2020, is made up of 31 strategic issues and 132 targets. In addition, there are a number of programmes and funds focusing on environmental protection.[32]

III. Promotion and protection of human rights on the ground and follow-up to the previous review

A. Protection and promotion of civil and political rights

1. Protection of the right to life, the elimination of all forms of torture and ill-treatment

52. Morocco continues to observe the moratorium on the death penalty that has been in place since 1993, in the knowledge that the abolition of capital punishment is the subject of intense debate among various sectors of Moroccan society.

53. The draft Criminal Code provides for a considerable reduction in the number of offences subject to the death penalty, down from 31 to 9. Under the new Military Courts Act, the number of such offences has dropped from 16 to 5. In that connection, under article 430 of the draft Code of Criminal Procedure, a death sentence may be pronounced only if

the judges reach a unanimous verdict. Moreover, the record of their decision must state that the death sentence was unanimously agreed and must be signed by all the judges involved in the ruling.

54. The draft Criminal Code and the draft Code of Criminal Procedure have introduced a number of provisions on preventing and combating all forms of torture and ill-treatment, including the need to monitor the conditions of police custody. In that connection, the draft Code of Criminal Procedure provides for the requirement that an audiovisual recording must be made of all hearings of accused persons placed in police custody, that such persons must be given a medical examination if they are observed to be ill or show signs of illness and that an accused person's lawyer must be present during the hearing.

55. Complaints of torture or ill-treatment must be investigated by the courts. Accordingly, the courts granted 145 applications for investigations into allegations of torture in 2015, as against 70 in 2014, under which the prisoner making the complaint was required to undergo a medical examination. As a result, 38 members of the law enforcement agencies were prosecuted in 2015 for acts of torture (24 police officers, 8 prison officers, 2 gendarmes, 2 law enforcement officials and 3 soldiers). In the same year, judicial authorities paid 740 visits to places of deprivation of liberty and addressed 654 complaints concerning prisoners.

56. A bill on forensic medicine has been drawn up and a computer application on the management of the national pretrial detention register has been developed and put in place.

2. Promotion of the status of prisoners

57. The inclusion in the draft Criminal Code of new provisions to facilitate the use of alternative punishments will make it possible to improve conditions for detainees by reducing prison overpopulation. The Government has put in place a programme to provide more prison places by closing, replacing or renewing dilapidated establishments and constructing new facilities that meet security standards and fulfil its commitments on the resettlement of detainees: 10 places of deprivation of liberty were opened in 2015, with a reception capacity of 9,000 beds, 3 have been operational since July 2016 and 5 are under construction.

58. The Government has provided places of deprivation of liberty with more medical and paramedical staff, thus improving the staff-prisoner ratio. The annual budget for the purchase of medicines and medical material was increased from 25 million dirhams in 2012 to 37 million dirhams in 2015. The food budget was increased from 2.8 million dirhams in 2012 to nearly 5.7 million dirhams in 2016.

59. The draft Code of Criminal Procedure has strengthened guarantees on the monitoring of prisons by providing for visits by visiting magistrates and by the Crown Public Prosecutor or his or her deputy to investigate the situation of detainees at least once a month. A juvenile court judge is required to visit juvenile detention centres or facilities once every three months in order to investigate the situation of children held in such facilities.

3. Protection of freedom of opinion and expression

60. Strengthening freedom of opinion and expression has been a matter of concern for both the legislature and institutions. The Press and Printing Act[33] contains important guarantees upholding such freedom, including the abolition of sentences involving deprivation of liberty and their replacement by modest fines; legal recognition of the electronic media; a commitment by the State to protect journalists against attack; the introduction of public assistance to promote the profession; the consolidation of the transparency rules in the press sector; and the strengthening of the role of the judiciary in protecting the freedom and independence of the press with the establishment of the judiciary as the sole authority competent to receive notices of publication, impose bans on or seizures of books, block or confiscate electronic media or withdraw a press card on a permanent basis.

61. The Establishment of the National Press Council Act[34] provided for an independent and voluntarily chosen self-regulation mechanism for the press, with responsibilities including regulating access to the profession by issuing press cards, mediating or arbitrating in press matters, drawing up a code of ethics for the sector and ensuring that it is observed and giving its opinion on draft legislation relating to the press. The Status of Professional Journalists Act,[35] meanwhile, provides for the strengthening and recognition of journalists' rights and freedoms, particularly judicial protection for the confidentiality of sources, the right of access to information, greater independence for journalists, the promotion of rigorous conditions for access to the profession and social protection for journalists.

62. The indicators on freedom of the press showed an improvement in 2015. No websites were banned and no national newspaper was confiscated or banned. Moreover, assaults on journalists in the exercise of their functions fell by a considerable margin, with only 6 cases, as against 13 in 2014, according to a report by the National Moroccan Press Union. There was also a fall in the number of trials in cases relating to the press and printing sector, with only 24 trials, which resulted in 14 acquittals, annulments or findings of lack of jurisdiction, compared with 56 in 2014.

4. Guarantee of the freedom of assembly and association

63. Freedom of assembly is guaranteed by law.[36] There is no restriction on public meetings and only a simple notification is required to hold a meeting; freedom of association is curbed only in the case of failure to provide notification where the authorities consider that a meeting may disturb public safety. Thus, in 2015, the total of 130,000 organizations that had made a declaration held an average of about 4,000 organizational activities every day.

64. As regards cases in which legally constituted associations were not permitted to hold meetings, the authorities were forced to take such action on the basis of their interpretation of the legal provisions relating to an organization's exemption or not from the requirement to provide notification to the authorities when engaging in activities of a cultural, artistic or sporting nature or because it did not observe the legal time frame for the notification of a given meeting, while respecting the right of these associations to appeal.

65. The decree regulating the freedom of association provides for a notification regime according to which the founders of an association are required only to notify the authorities of the establishment of that association. The law guarantees associations the right of appeal to the administrative courts against any administrative decision that they consider wrongful. Thus, in 2014, 13 non-governmental organizations (NGOs) appealed against a decision by the administrative authorities to refuse their application for establishment and 9 obtained judgments in their favour.

66. The Government is working on a draft code of practice for associations, which will help develop an environment favourable to the emergence of civil society organizations. In March 2016, it also launched an online portal[37] to help strengthen good governance, transparency and access by civil society organizations to information on the various options for obtaining public funding.

B. Promotion of economic, social, cultural and environmental rights

1. Combating poverty, vulnerability and disparities

67. The action taken by Morocco to strengthen its social policies and target vulnerable categories and sectors of the population and to reduce inequality has had a positive effect on poverty, vulnerability and social inequality in the country. Between 2007 and 2014, the number of poor people in Morocco fell from 2.7 million to 1.6 million and the number of vulnerable people from 5.4 million to 4.2 million. The poverty rate was reduced from 8.9 per cent in 2007 to 4.8 per cent in 2014 (from 4.9 per cent to 1.6 per cent in urban areas and from 14.4 per cent to 9.5 per cent in rural areas) and the vulnerability rate from 17.5 per cent to 12.5 per cent (12.7 per cent to 7.9 per cent in urban areas and 23.6 per cent to 19.4 per cent in rural areas). Social inequalities, measured in terms of the Gini coefficient, were

also reduced: the coefficient fell from 40.7 per cent to 39.5 per cent between 2007 and 2014.

68. The second stage of the National Human Development Initiative,[38] covering the years 2011 to 2015, with a budget of 17 billion dirhams, has been implemented, targeting 702 rural communes where the poverty rate was 14 per cent or more and 532 urban districts comprising emerging conurbations of 20,000 inhabitants.

69. The Government has set up the Social Cohesion Support Fund, which finances the Tayssir programme,[39] the "One million satchels" Royal Initiative,[40] the programme of assistance for persons with specific needs[41] and the programme of direct aid for widows living in a precarious situation.[42] The Government has also extended the Medical Assistance Plan, which is financed by the Fund and has, as a result, 10.2 million beneficiaries as of the end of October 2016.

70. Government support is provided for 15,735 cooperatives, including 2,280 women's cooperatives, as part of its action against poverty. A reform of the legal framework governing cooperatives, with the adoption of the Cooperatives Act,[43] has made it easier to set up such bodies.

71. In addition, a number of programmes to improve conditions in rural areas and mountainous areas have been implemented, including the second stage of the National Rural Roads Programme, the Rural Drinking-water Supply Programme and the Integrated Rural Electrification Programme, in addition to programmes under the Green Morocco Plan and the Rural and Mountainous Areas Development Fund.

2. Right to work

72. In 2015, the Government adopted the National Employment Strategy to 2025[44] with a view to supporting action to promote the right to work that was already being taken under earlier programmes.[45] The budget of the Ministry of Employment and Social Affairs was, as a result, increased by about 34 per cent between 2012 and 2016.

73. The Government also amended article 22 of the General Civil Service Regulations, introducing competitive entry to the civil service, thus strengthening the principle of equality.

3. Right to health

74. The sectoral health strategy 2012-2016 reflects the provisions of the Constitution by making the right to health an integral element of the rights to fairness, equality and quality, with particular reference to vulnerable populations. The Framework Law on the Health and Health-care System[46] makes fairness central to the distribution of health resources.

75. The budgetary action agreed to in the area of health for the period 2001-2015 saw an average annual growth rate of 7.2 per cent. A significant proportion (31 per cent) of the investment budget of the Ministry of Health goes on programmes to promote reproductive health, maternal health, child health, the health of young people and the health of specific sectors of the population.

76. An overhaul of pharmaceutical policy is at the heart of action to improve access by vulnerable sectors of the population to the right to health. To that end, the Government took action to lower the price of about 2,602 medicines by between 20 per cent and 80 per cent and to update a decree on fixing the price of medicines.

77. The health infrastructure has been improved by the commissioning of 100 new health establishments, including 2 university hospital centres, which have already been built, and 4 which are under construction, along with 3 psychiatric hospitals. In addition, under the Rural Health Development Plan, mobile health services serving remote populations have been strengthened. With the procurement and regular functioning of the first mobile civilian hospital in Morocco, which carries out operations in remote rural communes during December to March each year, and the purchase of four medical helicopters based in four different regions, the whole of the national territory is covered.

4. Right to education

78. There has been an improvement in the principal education indicators in Morocco. Thus the enrolment ratio of children aged 6 to 11 years reached 99.1 per cent in 2014/15, with a rise among girls in rural areas from 88.3 per cent to 98.4 per cent between 2008/09 and 2013/14. In secondary schools (12-14 years), the ratio rose from 70.2 per cent to 90.4 per cent over the same period. This progress was particularly notable among girls, in that their school enrolment ratio rose from 64.8 per cent to 86.7 per cent.[47]

79. Morocco is continuing to strengthen the right to education, in accordance with a programme developed by the Higher Council on Education, Training and Scientific Research entitled "Strategic vision for educational reform 2015-2030: Fairness, equality and promotion in schools". The programme, which also relates to higher education, scientific research and occupational training, is conducted on the basis of conclusions drawn from consultations with school stakeholders and partners. It focuses on three guiding principles: fairness, equality and promotion of the individual and society.

80. Action in the field of informal education is directed at alleviating the school dropout problem. As a result, the number of beneficiaries of preschool programmes, the immediate integration programme and the school support programme over the past five years has reached 392,177, or an average of 78,435 beneficiaries a year, of whom 48 per cent are girls.

81. The Government is continuing to implement a programme to combat illiteracy in mosques. The number of beneficiaries of the programme between 2012 and 2016 reached 1,280,022, of whom 89.25 per cent were women and 51.13 per cent were in rural areas. A remote apprenticeship programme via television and the Internet was launched in 2014, benefiting 393,514 people, of whom 91.9 per cent were women and 38.8 per cent from rural areas.

5. Right to access to water

82. As a result of action taken on water policy, access to safe drinking water has been improved. Thus, in urban areas, access has been extended, with a 94 per cent ratio of mains connections, while the rest of the population is served by standpipes. In rural areas, the authorities have had the rural drinking-water supply programme in place since 1995, set up with the participation of the local people, as a result of which, at the end of 2015, there was a 95 per cent rate of access to safe drinking water. The objective is that that proportion will rise to 96.5 per cent by the end of 2017.

6. Right to adequate housing

83. Action taken under various programmes[48] has reduced the shortfall of decent housing from 1,240,000 units in 2002 to 578,398 units in 2014. Thus the "Towns without slums" programme, which has an overall budget of 32 billion dirhams, has made it possible to reduce the number of people living in slums from 8.2 per cent in 2004 to 3.9 per cent in 2010. Over the period 2011-2015, the programme helped 71,250 households and 56 out of 85 towns have consequently been declared towns without slums. Under the 250,000-dirham Social Housing Programme, 204,000 housing units had been built by the end of October 2015.

7. Cultural rights

84. On the cultural front, the Government sees it as a priority to provide access to cultural infrastructure and activity programmes. Over the period 2012-2016, 67 per cent of the sector's investment budget went on enlarging the network of cultural institutions and this was achieved with the addition of some 54 new institutions. This project was accompanied by a programme aimed at improving the culture on offer in these institutions and strengthening support for cultural and artistic creative activities, on an overall budget of 65 million dirhams in 2016, as against 11 million dirhams before 2012.[49]

85. In addition, the Artist and Artistic Activities Act[50] was adopted.

86. Three bills[51] on the promotion and transmission of cultural expression and craftsmanship, currently going through the adoption process, will form the legal framework for the protection of the country's heritage. A system for documenting and making an inventory of the heritage has also been introduced as a means of disseminating precise information on the national heritage.[52]

87. The bill on the National Council for Moroccan Languages and Cultures,[53] which is currently under consideration by Parliament, will contribute to the protection and development of Moroccan national languages and cultures and will support the work done in this regard, particularly as regards the preservation of the country's tangible heritage.[54] A bill on the recognition of Amazighe as an official language is also awaiting approval.

88. Progress on the teaching of Amazighe in primary schools is slow, because the number of teachers is limited. To date, more than 400,000 pupils in 4,000 schools have been taught in Amazighe. They are supervised by more than 294 specialized teachers.

89. Over the period 2012-2015, there was a marked increase in the number of hours of broadcasting in Amazighe, which rose from 10 to 13 hours per day. Meanwhile, since 2013, the electronic media in Hassaniya Arabic and Amazighe have been among the categories competing for the National Press Prize.

90. In addition, in 2015, 1,585 foreign publications were authorized for import and 20 million copies of 2,172 foreign journals were distributed. Since 2015, the Moroccan Cinema Centre[55] has provided support for documentaries on Hassaniya culture and given its backing to 56 cinema festivals. Between 2012 and 2015, it subsidized 97 films on a budget of 23.144 billion dirhams.

C. Promotion and protection of the rights of specific groups

1. Women's rights

91. In implementation of the government plan for gender equality 2012-2016, a number of activities were undertaken, including the establishment of 40 multifunctional areas[56] for women victims of violence;[57] the establishment of reception centres for such women in police and gendarmerie stations;[58] the development of mechanisms for the care of women victims of violence and the creation of 88 reception centres attached to courts of first instance; the establishment of 97 integrated units to care for women and children in hospitals; the launch of an integrated programme to raise awareness of violence against women and girls and take action against it; the establishment of national observatories on combating violence against women, an observatory on the image of women in the media and an observatory on the gender perspective in the civil service in 2014; the issue in 2015 of the first report of the national observatory on combating violence against women; and the adoption by the House of Representatives in 2016 of a bill on the Authority for Gender Equality and Action against All Forms of Discrimination.

92. Amendments have been made to the Criminal Code with a view to protecting women against violence and trafficking. Basically, the amendments involve the repeal of a number of provisions and the introduction of the concept of aggravating circumstances in the case of acts of violence and rape, especially those committed against a child by a relation or by a person in a position of trust.

93. The draft Code of Criminal Procedure strengthens protection for the rights of women victims of violence and trafficking. It thus introduces the obligation to provide accommodation for victims in care centres for women and children attached to the courts and to inform victims of their rights. In that connection, 12,062 people were convicted of violence against women in 2015.

94. A bill on combating violence against women was adopted by the Council of Ministers in March 2016 and by the House of Representatives in July 2016. Meanwhile, the Act supplementing the Audiovisual Communication Act[59] relates to the promotion of a culture of equality between the sexes and action against sexual discrimination, including stereotypes that are disparaging to women.

95. Legislative reforms have also been introduced to improve the political participation of women. At the communal and regional elections of 4 September 2015, 6,669 women were elected and, as a result, the level of representation of women on communal councils has risen to 21.16 per cent. Seats reserved for women on the regional councils represent 37 per cent of the total.

96. The Organic Act on the House of Representatives introduced a mechanism aimed at raising the level of women's representation in the House to 81 seats, or 21 per cent of the total number of members.

97. As for promoting women's professional standing in the civil service, 21.5 per cent of women occupied senior posts in 2015 — 12.12 per cent as general secretaries, 7.41 per cent as general inspectors, 13.5 per cent as directors, 11.65 per cent as heads of division and 25.25 per cent as heads of service — as against 19 per cent in 2014. Moreover, a strategy covering the years 2016 to 2019 is currently in place to mainstream sexual equality in public service, with the aim of establishing equality between men and women in the civil service, including access by women to more responsible work and to senior posts. The strategy is based on three principles, made up of 10 projects and 51 measures.

2. Children's rights

98. Morocco has worked to strengthen programmes for children. In 2014, the Government set up an interministerial committee to monitor the implementation of policies and national plans on the promotion and protection of children and launched a national programme on the implementation of the comprehensive public policy on child protection (PPIPE), 2016-2020.

99. Legislation was also adopted to criminalize acts of ill-treatment, violence and sexual assault against children and to classify assault by parents, teachers or any person exercising authority over the child as constituting aggravating circumstances. The draft Criminal Code has also increased the penalties in cases where the victims are children. Thus any person who abuses a child in any way incurs a sentence of imprisonment of between 1 and 5 years, which is increased in cases where the offender is a relation in the ascending line or has authority over the child. The draft Code also provides for severe penalties for the offence of forced marriage of a child. The approach adopted by the juvenile courts, meanwhile, is to protect the child, giving priority to the child's best interests, whether as offender or victim.

100. Action to tackle violence against children includes the following measures: (1) an increase in the number of care centres and units attached to courts and hospitals for women and children; (2) the introduction in schools of monitoring units and counselling units to combat violence; and (3) an increase in the number of activities to raise awareness of the need to prevent and combat domestic work by children in food-growing areas, including the poorest rural communes and marginalized districts. Under a bill on social care institutions, currently going through the adoption process, the law on the conditions of opening and managing such institutions will be repealed.

101. In order to combat violence in the school environment, counselling and mediation units have been in place in educational establishments since 2007. Provincial and regional centres have been in place since 2011 and a national observatory on combating violence in the school environment was established in 2014. In 2015, 6,769 people were convicted of violence against children.

102. Considerable efforts have been made to combat child labour. As a result, the number of children aged between 7 and 15 years in employment has decreased significantly, falling from 517,000 in 1999 to 86,000 in 2013 and then to 57,000 in 2015. Moreover, the Domestic Workers' Labour and Employment Conditions Act,[40] which strengthens the protection of children, particularly girls, against economic exploitation and violence at work, with the legal age of employment raised to 18 years, has been adopted. It provides for a transitional period not exceeding five years from the date of its entry into force, during which the employment of persons between the ages of 16 and 18 years may be acceptable, subject to the observance of a number of conditions, including the written consent of the child's guardian and a prohibition on night work. It is also prohibited to hire underage domestic workers for work that will be listed in a regulatory text.

3. Rights of persons with disabilities

101. A national disability survey in 2014 revealed that the national disability prevalence rate is 6.8 per cent, or about 2,264,672 people. The rate is 6.66 per cent in urban areas and 6.99 per cent in rural areas; of the total, 6.7 per cent are women and 6.8 per cent men. The rate increases with age: it is higher among persons aged over 60 years (33.7 per cent). Among those aged between 15 and 59 years, it is 4.8 per cent, while, among persons aged under 15 years, it is 1.8 per cent.

104. Action on the protection and promotion of the rights of persons with disabilities focuses on the following components: (1) the launch of the comprehensive public policy for the promotion of the rights of persons with disabilities, approved in November 2015; (2) the implementation of the framework law on the protection and promotion of persons with disabilities[41] and the adoption of regulatory texts on the employment of persons with disabilities;[42] (3) the allocation of 111 million dirhams for the funding of benefits for persons with disabilities, as part of the Social Cohesion Support Fund; and (4) support for national NGOs working in the field of disability.

105. As a result of action to decentralize reception and guidance services for persons with disabilities, 16 neighbourhood centres have been established, with regional coordination provided by Entraide nationale, the public social welfare agency.

106. The number of children with disabilities attending school rose from 5,998 in 555 classes in 2012 to 8,000 in 790 classes in 2016. Moreover, a project to adapt school curricula to address conditions specific to each type of disability in the interests of an inclusive education is currently being finalized.

107. Under a programme to promote accessibility for the years 2012 to 2016, an analytical report was produced on how to provide for the accessibility of streets and buildings in Tangier, Casablanca, Oujda and Rabat. The main thoroughfares of Marrakech have been made accessible to persons with disabilities.

4. Migrants' rights

108. Under its National Immigration and Asylum Strategy, Morocco launched a one-off operation in September 2013 for the regularization of migrants in an irregular situation. As a result, 23,096 migrants, holding 116 nationalities, received residence permits. A second stage of regularization was launched in December 2016. In addition, the Moroccan Office for Refugees and Stateless Persons ruled on the situation of 702 asylum seekers. The courts held hearings of 1,026 Syrian nationals, in addition to other asylum applications that are currently being processed.

109. The Government has prepared an asylum bill that is in conformity with the principles and standards of the 1951 Geneva Convention and also an immigration bill. The Trafficking in Persons Act[43] was adopted and entered into force in September 2016. The current implementation of the National Immigration and Asylum Strategy has made it possible to start integrating migrants and refugees on a footing of fairness and equality by guaranteeing their socioeconomic and cultural rights, such as the right to education, health and access to social services.

5. Action against trafficking in persons

110. The Trafficking in Persons Act guarantees respect for the rights of the victims of trafficking, in accordance with the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Acts defined by the Protocol are classified as criminal offences, while cases where the victim is under 18 years of age, or a person in a difficult situation owing to his or her advanced age or illness or disability, or a pregnant woman, or where the crime is committed by the victim's spouse or by a relation or the guardian of the victim or a person responsible for the victim's protection, are deemed aggravating circumstances, subject to a penalty of 20 to 30 years' imprisonment and a fine of between 200,000 and 2 million dirhams.

111. In 2015, 157 people were prosecuted for the offence of trafficking in persons and 1,131 for the offence of rape.

D. Right to a healthy environment and sustainable development

112. As a result of action on water treatment, sewage treatment and waste disposal and use, as well as industrial decontamination, the proportion of the population connected to a sanitation system is 74 per cent and the volume of wastewater treated is 43 per cent. Waste collection rates were 85 per cent in 2016, as against 66 per cent in 2012, thanks to the establishment of 22 landfill and development sites, with the capacity to process 53.41 per cent of household waste, as against 32 per cent in 2012.

113. Morocco is a country with low emissions of greenhouse gas, amounting to 3.1 tons of carbon dioxide equivalent per capita.[64] Nonetheless, it remains very vulnerable to the effects of climate change. Accordingly, the Industrial Pollution Control Fund (FODEP),[65] which was set up as a tool to encourage businesses to invest in controlling pollution and economizing resources and to incorporate the environmental dimension in their activities, has financed 126 projects since its establishment in 1999, at a total cost of 671 million dirhams, of which 256 million dirhams were paid out in the form of grants. Of these projects, 103 related to wastewater processing, 17 to air pollution controls and 6 to sewage processing.

114. During the period 2011-2016, Morocco established a mechanism for industrial water pollution control with a budget of 115 million dirhams, of which 65 million dirhams were used to fund 24 projects to clean up industrial pollution.

E. Training and promotion of a human rights culture

115. In May 2016, the Government took on the task of removing from 390 textbooks content that was contrary to the principles of human rights and citizenship, especially with regard to the principles of tolerance, non-discrimination and equality. This action was taken in line with the guidelines on the production of textbooks, which state that the values and principles of human rights, fairness, equality and tolerance should be respected.

116. Human rights are an essential component of training programmes taught at training centres, such as the Royal Police Institute and the Royal Institute of Territorial Administration, for the various categories of the law enforcement agencies responsible for implementing the law. Human rights-based training modules, covering knowledge, attitudes and behaviour, are taught in the course of both initial and continuing training.

117. The Ministry of Justice and Freedoms has organized training sessions for its officials — judges and senior officials — and for the staff of partner departments, such as the police, the gendarmerie and educators at child protection centres who are involved in providing care for women and child victims of violence. Over 500 judges, about 180 court officers and 148 social workers have attended such courses.

118. International humanitarian law is also an integral component of training for the Royal Armed Forces. The rules of international humanitarian law are thus taught at Royal Armed Forces training establishments in the course of both initial and continuing training. The schedule is heavy in terms of the level of the students and the training cycle. Thus, over the period 2012-2016, about 64,106 members of the Armed Forces, including 1,949 foreign trainees, underwent courses in international humanitarian law.

119. For the Royal Gendarmerie, international humanitarian law and international human rights law are fundamental to its basic training. Thus, over the two years of training, the trainees receive about 100 hours' tuition on subjects relating to the principles and mechanisms of human rights, action against torture and the protection of women's and children's rights. These modules are backed up by continuing training and by courses for trainers, officers and non-commissioned officers. Between 2012 and 2015, about 112 training courses were taught to Royal Gendarmerie officers.

120. Between 2012 and 2016, the National Commission on International Humanitarian Law,[66] which was established in 2008, was engaged in the work of disseminating international humanitarian law, targeting a number of groups of people involved in the implementation of such law — the Royal Armed Forces, the Royal Gendarmerie, the National Security Agency, the Auxiliary Forces and prison directors — as well as parliamentarians and officials dealing with legal affairs in government departments. Academia, journalists and civil society organizations were also targeted.

121. Human rights teaching and research in higher education continue, with the accreditation of institutions and the integration of human rights values and citizenship into training modules.

IV. Good practices, challenges and difficulties

122. The period under consideration has been marked by the wholesale adoption of a participatory approach, the principles of which are enshrined in the Constitution. Extended consultation and dialogue have played a major role in the process of developing legislation, strategies and reports for submission to the various United Nations human rights mechanisms and in the process of following up the implementation of recommendations made by those mechanisms. The period has also been marked by an intensification of the national debate on such human rights issues as capital punishment, abortion and the effectiveness of certain socioeconomic rights. It has further been marked by a national debate on environmental issues, including climate change, particularly during the course of preparations for the twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP22), which was held in Marrakech from 7 to 18 November 2016. This debate has given new force to a growing convergence between the human rights movement and the environmental rights movement.

123. The period was characterized by the closer involvement of Parliament and a debate on its role in human rights, particularly its assumption of the role of being the body responsible for interacting on behalf of the Kingdom with the United Nations human rights mechanisms, including the universal periodic review. A debate on the measurement indicators of the realization or effectiveness of human rights was also launched.

124. Morocco has put in place public policies on the promotion and protection of human rights, particularly the rights of vulnerable sectors of the population, such as children, migrants and asylum seekers and persons with disabilities, taking into account the synergies and the convergence among the various groups taken together. Mechanisms for steering and monitoring these policies have therefore been established. The Interministerial Human Rights Unit, as the government structure responsible for supporting the integration of human rights into public policies, gave its backing to the development and introduction of these policies.

125. The work carried out under the various policies and programmes and the reforms undertaken during the period under consideration have resulted in the effective implementation of various elements of the draft national plan of action for democracy and human rights.[67] It is therefore necessary to update and consolidate the plan in the light of the progress that has already been made.

126. Upgrading the human resources responsible for implementing sectoral plans and strategies in such a way as to enable them to assimilate human rights standards, principles and commitments and steep themselves in a human rights culture at both the national level and the regional and local levels constitutes a major challenge for all public activities aimed at ensuring the effectiveness of human rights.

127. Capacity-building with regard to the development of steering mechanisms and follow-up in the sphere of human rights and their contextualization often comes up against the shortage of expert knowledge, a specific example of this being the ability to develop human rights indicators by theme or category. Funding is also an important aspect of the implementation of projects to increase the integration of human rights into public policies; such projects will have to be accompanied by a proper plan for the dissemination of a

human rights culture and education among all those concerned and also for the benefit of the wider public.

128. The problems related to the exercise of fundamental freedoms and human rights in the context of new information and communication technologies, in addition to those arising from terrorism, constitute major human rights challenges.

129. Meanwhile, the intensive development of the United Nations human rights system should proceed hand in hand with the simplification of its methods, procedures and working tools for interaction with States.

Notes

[1] Voir annexe I pour les acronymes.
[2] 1) Expert independant sur les droits de l'homme et la solidarité internationale (5–19 janvier 2016); 2) Rapporteur spécial sur le droit à l'alimentation (5–12 octobre 2015); 3) Groupe de travail sur la détention arbitraire (09–18 décembre 2013); 4) Rapporteuse spéciale sur la traite des êtres humains, en particulier des femmes et des enfants (17–21 juin 2013).
[3] 1) Le sixième rapport périodique sur l'application du Pacte international relatif aux droits civils et politiques, examiné les 24 et 25 octobre 2016; 2) Le quatrième rapport périodique sur l'application du Pacte international relatif aux droits économiques, sociaux et culturels, examiné les 30 septembre et 1er octobre 2015; 3) Les troisième et quatrième rapports périodiques sur l'application de la Convention relative aux droits de l'enfant et le deuxième rapport sur l'application du protocole facultatif concernant la vente d'enfants, la prostitution des enfants et la pornographie mettant en scène des enfants, présentés en un seul document et examiné le 3 septembre 2014; 4) Le rapport initial sur l'application du Protocole facultatif à la Convention relative aux droits de l'enfant, concernant l'implication d'enfants dans les conflits armés, examiné le 4 septembre 2014; 5) Le rapport initial sur l'application de la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille, examiné les 10 et 11 septembre 2013.
[4] Conseil Economique, Social et Environnemental: Loi organique n° 128-12 publiée au B.O n° 6284 du 21 août 2014.
[5] Instance nationale de la probité, de la prévention et de la lutte contre la corruption: loi n° 113-12 publiée au B.O n° 6374 du 2 juillet 2015.
[6] Conseil Supérieur de l'Education, de la Formation et de la Recherche Scientifique: Loi n° 105-12 publiée au B.O n° 6257 du 19 mai 2014.
[7] Loi n°104-12 publiée au B.O n° 6280 du 7 août 2014.
[8] Loi n° 20-13 publiée au B.O n° 6276 du 24 juillet 2014.
[9] Conseil Consultatif de la Famille et de l'Enfance: Loi n° 78-14 publiée au B.O n° 6491 du 15 août 2016.
[10] Haute Autorité de la communication audiovisuelle: loi n°15-11 publiée au B.O n° 6502 du 22 septembre 2016.
[11] Mécanisme national de prévention de la torture.
[12] Conseil Supérieur du Pouvoir Judiciaire : Loi organique n° 100-13 publiée au B.O n° 6456 du 14 avril 2016.
[13] Loi organique n°106-13 publiée au B.O n° 6456 du 14 avril 2016.
[14] Loi n° 108-13 publiée au B.O n° 6322 du 1er janvier 2015.
[15] Loi organique n° 130-13 publiée au B.O n° 6370 du 18 juin 2015.
[16] Budgétisation sensible au genre.
[17] Loi organique n° 113-14 relative aux communes; Loi organique n° 112-14 relative aux préfectures et provinces et loi organique n° 111-14 relative aux régions publiées au B.O n° 6380 du 23 juillet 2016.
[18] Loi organique n°44-14 publiée au B.O n°6492 du 18 août 2016.
[19] Loi organique n°64-14 publiée au B.O n°6492 du 18 août 2016.
[20] Il s'agit d'un cadre stratégique de référence visant l'appui des politiques publiques et l'orientation des efforts et des interventions des autres acteurs en matière de politique intégrée Jeunesse dans les années à venir. La Stratégie vise à:
- Assurer une cohérence de l'action gouvernementale envers la jeunesse;
- Renforcer des investissements de qualité pour la jeunesse marocaine;
- Compléter et renforcer les stratégies et plans sectoriels existants.

[21] La NPIA s'articule autour des axes suivants: 1) La régularisation de la situation des migrants et des demandeurs d'asile; 2) La mise en place d'un dispositif juridique pour l'asile et la migration; 3) La mise en place d'une politique d'intégration; 4) L'appui du partenariat et de la coopération.
[22] Convention 102 de l'Organisation Internationale du Travail concernant la sécurité sociale et la recommandation 202 de l'Organisation Internationale du Travail (OIT) concernant les socles nationaux de protection sociale.

[23] Caisse marocaine de retraite.
[24] Assurance Maladie Obligatoire.
[25] Caisse Nationale de Sécurité Sociale.
[26] Loi 36-15 publiée au B.O n°6494 du 25 août 2016, qui remplace la loi 10-95 publiée au B.O n°4325 du 20 septembre 1995.
[27] Fonds de Développement Agricole.
[28] Fonds de Développement Rural et des Zones de Montagne.
[29] Programme National d'Economie d'Eau d'Irrigation.
[30] Loi-Cadre 99-12 publiée au B.O n° 6240 du 20 mars 2014.
[31] Loi n° 11-03 relative à la protection et à la mise en valeur de l'environnement (B.O n° 5118 du 19 juin 2003);
Loi n° 12-03 relative aux études d'impact sur l'environnement (B.O n° 5118 du 19 juin 2003)
Loi n° 13-03 relative à la lutte contre la pollution de l'air (B.O n° 5118 du 19 juin 2003);
Loi n° 28-00 relative à la gestion des déchets et à leur élimination (B.O n° 5480 du 7 décembre 2006);
Loi n° 81-12 relative au littoral (B.O n° 6384 du 6 août 2015).
[32] Le Programme National d'Assainissement Liquide et d'Epuration des Eaux Usées (PNA);
Le Programme National de Gestion des Déchets Ménagers et Assimilés;
Le Programme National de Valorisation des Déchets;
Le Fonds de Dépollution Industrielle (FODEP);
Le Mécanisme Volontaire réservé à la Dépollution Industrielle Hydrique.
[33] Loi n° 88-13 B.O n° 6491du 15 août 2016.
[34] Loi n° 90-13 B.O n° 1478 du 6 octobre 2016.
[35] Loi n° 89-13 B.O n° 1478 du 6 octobre 2016.
[36] Dahir de 1958 réglementant les rassemblements publics, modifié et complété par la loi n° 76-00 du 23 juillet 2002, relative aux réunions publiques.
[37] charaka-association.ma.
[38] Initiative nationale pour le développement humain mise en œuvre depuis 2005 en tant que programme de référence en matière de lutte contre la pauvreté, la vulnérabilité et les disparités.
[39] Programme de transferts monétaires conditionnels au profit des familles pauvres, à condition que leurs enfants utilisent certains services sociaux, en l'occurrence l'école. 500 millions de dirhams est le budget alloué pour ce programme au titre des années 2014, 2015 et 2016. Le nombre de bénéficiaires: année scolaire 2014–2015: 493.133 familles et 805.746 élèves; année scolaire 2013–2014: 466.000 familles et 784.000 élèves; année scolaire 2015–2016: 524.400 familles et 828.400 élèves.
[40] Initiative lancée par Sa Majesté le Roi en 2008 et reconduite chaque année et faisant désormais partie intégrante de la stratégie nationale de soutien social aux enfants scolarisés et à leurs familles. Elle consiste en l'octroi de manuels et fournitures scolaires. Un montant de 200 millions de dirhams a été débloqué au profit de ce programme au titre de l'exercice 2014, 100 millions de dirhams au titre de l'exercice 2015 et 667 millions de dirhams au titre de l'année 2016. Le nombre de bénéficiaires pour l'année scolaire 2015–2016 a atteint 3,91 millions élèves.
[41] 100 millions de dirhams versés au titre de 2016 et 50 millions de dirhams au titre de l'exercice 2015 pour la mise en place et le fonctionnement des structures d'accueil.
[42] 285 millions dédiés à ce programme au titre de l'année 2016 et 196 millions de dirhams au titre de l'année 2015.
[43] Loi n° 112-12 publiée au B.O n° 6318 du 18 décembre 2014.
[44] Stratégie élaborée selon une approche participative et fondée sur les résultats d'un diagnostic faisant ressortir les défis auxquels fait face le secteur de l'emploi notamment le chômage des diplômés et des jeunes. Elle vise à atteindre les objectifs suivants: 1) Une meilleure prise en compte de l'emploi dans les politiques transversales et sectorielles nationales, ainsi que le renforcement de la création d'emploi productif et décent; 2) La valorisation du capital humain à travers des actions en amont pour améliorer les performances des systèmes de formation initiale, fondamentale, technique, professionnelle et supérieure et renforcer l'employabilité de la main d'œuvre; 3) Le suivi des dispositifs cibles de la politique active de l'emploi et l'amélioration du fonctionnement du marché du travail à travers la valorisation des programmes d'appui aux micro-entreprises et l'appui à l'auto emploi, aux activités génératrices de revenus et aux travaux publics; 4) L'amélioration de la gouvernance du marché de travail, à travers l'institutionnalisation de la Stratégie Nationale de l'Emploi.
[45] Programmes : 1) IDMAJ visant à accroître l'employabilité des demandeurs d'emploi diplômés par l'acquisition de compétences professionnelles nouvelles, notamment à travers une première expérience en entreprise; 2) TAEHIL qui vise à améliorer l'employabilité des demandeurs d'emploi, en leur permettant d'acquérir des compétences professionnelles pour occuper des postes d'emploi dûment identifiés ou potentiels dans des entreprises; 3) Auto-emploi qui vise l'appui des porteurs de projet de création d'entreprises.
[46] Loi-cadre n° 34-09 publiée au B.O n° 5962 du 21 juillet 2011.

[47] Recueil statistique de l'éducation 2014-2015: Ministère de l'éducation nationale et de la formation professionnelle.

[48] 1) Les Programmes de logements sociaux à 250.000 DH et à 140.000 DH; 2) Le Programme National Villes Sans-Bidonvilles (VSB); 3) Le Programme ciblant l'Habitat Menaçant Ruine; 4) Les interventions dans les quartiers sous équipés ou non règlementaires; 5) Logement destiné à la classe moyenne.

[49] • Décret n° 2.12.513 du 13 Mai 2013 relatif au soutien des projets culturels et artistiques régi par un cahier de charges et par des arrêtés conjoints;
• De 2014 à 2016 près de 3113 projets ont été soutenus;
• Lancement de 6 grands projets de création des institutions culturelles structurantes d'une enveloppe budgétaire globale de 3 540 millions de dirhams: Grand Théâtre de Rabat et Grand Théâtre CasaArt de Casablanca en 2014; Théâtre de Tanger et Grand centre culturel de Kénitra en 2015; le Centre culturel Bouregreg de Rabat et l'Espace Mémoire (Bibliothèque des Archives) Rabat en 2016.

[50] Loi n° 68-16 publiée au B.O n° 6501 du 19 septembre 2016.

[51] Loi-cadre formant Charte nationale pour la préservation et la valorisation du patrimoine; Projet de refonte de la loi 22.80 régissant le patrimoine; Loi relative aux trésors humains vivants.

[52] www.ipdc.ma / www.sigpcm.ma.

[53] Conseil National des langues et de la culture marocaine.

[54] Il comprend 8258 sites inventoriés; 161 sites et monuments historiques inscrits dont 37 entre 2012 et 2015; 297 sites et monuments historiques classés; 9 biens culturels inscrits sur la liste du patrimoine mondial de l'UNESCO; 6 éléments du patrimoine immatériel.

[55] Centre Cinématographique Marocain.

[56] Espaces multifonctionnels.

[57] Femmes victimes de violence.

[58] 450 cellules auprès de la Gendarmerie Royale et 200 cellules auprès de la Sûreté Nationale.

[59] Loi n° 83-13 complétant la loi n° 77-03, publiée au B.O n° 3861 du 5 novembre 2015.

[60] Loi n° 19-12 publiée au Bulletin officiel n° 6493 du 22 août 2016.

[61] Loi-cadre n° 97-13 publiée au Bulletin officiel n° 6466 du 19 mai 2016.

[62] Décret n° 2.16.146 du 18 juillet 2016 complétant le Décret n° 2.11.621 du 25 novembre 2011 fixant les conditions et les modalités d'organisation des concours de recrutement dans les emplois publics garantit le droit d'accès à la fonction publique; publié au B.O n° 6491 du 15 août 2016.

[63] Loi n° 27-14 publiée au Bulletin officiel n° 6501 du 19 septembre 2016.

[64] Données contenues dans la troisième communication nationale, élaborée en janvier 2016 dans le cadre de la mise en œuvre de ses engagements vis-à-vis la Convention Cadre des Nations Unies sur le Changement Climatique.

[65] Fonds de Dépollution Industrielle.

[66] Commission nationale du droit international humanitaire.

[67] Plan d'action national en matière de démocratie et des droits de l'homme.

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Compilation on Morocco

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. In 2015, the Committee on Economic, Social and Cultural Rights encouraged Morocco to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural rights.[3]

3. In 2014, the Committee on the Rights of the Child recommended that Morocco ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.[4]

4. The Special Rapporteur on the rights of persons with disabilities indicated that her visit planned to take place in July 2016 had been postponed at the last moment at the request of the Government and had not been rescheduled.[5]

5. The Office of the United Nations High Commissioner for Human Rights (OHCHR) carried out a mission to Laâyoune and Dakhla from 12 to 18 April 2015 that enabled it to gather first-hand information and gain greater understanding of the human rights situation and challenges in Western Sahara, and to explore forms of future cooperation.[6]

6. The Secretary-General commended the parties' cooperation with OHCHR during its mission to Western Sahara and the refugee camps in 2015.[7] He urged the parties to respect and promote human rights, including by addressing outstanding human rights gaps.[8] He also urged further engagement with regard to the human rights situation in Western Sahara and the refugee camps, including by supporting human rights entities operating there and

by augmenting the provision of humanitarian aid in the camps. The Secretary-General stated that it was necessary to sustain an independent and impartial understanding of the human rights situation in both Western Sahara and the camps, through regular cooperation with OHCHR and the various United Nations human rights mechanisms, including human rights bodies, with the objective of ensuring protection of all.[9]

7. Between 2012 and 2015, Morocco contributed financially to OHCHR.[10]

III. National human rights framework[11]

8. In 2013, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment acknowledged that the National Human Rights Council had established a monitoring mechanism for many human rights violations, including torture and ill-treatment.[12] The Secretary-General welcomed the fact that the Council had been designated as the independent national preventive mechanism and urged completion of the legislative formalities required to complete the process.[13] The Committee on the Rights of the Child recommended that Morocco adopt expeditiously the law reforming the mandate of the National Human Rights Council in order to establish a specific mechanism for monitoring children's rights.[14]

9. In 2014, the Working Group on Arbitrary Detention recommended that Morocco strengthen the National Human Rights Council and provide it with the necessary means to ensure its proper functioning.[15]

10. The Human Rights Committee welcomed the adoption of the Act limiting the jurisdiction of military courts to military offences and offences committed in time of war (2014); the Act on domestic workers, which prohibits domestic work for children under 16 years of age (2016); and the framework law on the protection and promotion of the rights of persons with disabilities (2016).[16]

11. During her visit to Morocco in 2014, the former High Commissioner for Human Rights noted that a number of key independent institutions had been strengthened, including the National Human Rights Council, and the creation of the Interministerial Delegation on Human Rights.[17] She highlighted, however, that several key reforms, including legislation that would enable the enforcement of the rights set out in the Constitution, remained pending either in the executive or legislative arenas.[18]

12. In 2014, the Committee on the Rights of the Child recommended that Morocco ensure that the Integrated Child Protection Policy should cover all areas under the Convention, with special attention to children in the most vulnerable and disadvantaged situations.[19]

13. The Special Rapporteur on torture commended the strategic plan of the Interministerial Delegation for Human Rights (2012-2016).[20]

14. In 2016, the Independent Expert on human rights and international solidarity recommended that Morocco develop a human rights-sensitive national framework policy on human development that was informed by international human rights standards, including equality and non-discrimination.[21]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[22]

15. The Committee on Economic, Social and Cultural Rights recommended that Morocco adopt and apply a comprehensive anti-discrimination law, containing a general

prohibition of all forms of direct and indirect discrimination, and authorize the use of temporary special measures to benefit disadvantaged and marginalized groups.[23]

16. The same Committee recommended that Morocco remedy the regional disparities that prevented the enjoyment of economic, social and cultural rights on an equal basis by all the population.[24]

17. OHCHR reported that, in 2015, it had received information about four men who had been convicted of sodomy and sentenced for imprisonment after a trial that seemed to have been unfair. The media had reported the arrest of 20 individuals in 2015 because of sexual relations between persons of the same sex.[25]

18. The Human Rights Committee recommended that Morocco decriminalize homosexuality, free anyone who is in detention solely for having had consensual sexual relations and put an end to the social stigmatization of homosexuality and incitement to hate directed at persons because of their sexual orientation or gender identity.[26]

2. Development, the environment, and business and human rights[27]

19. The Independent Expert on international solidarity recommended that Morocco work jointly with civil society actors and development partners to establish a framework for the monitoring of foreign funds received by them.[28]

20. The same Independent Expert recommended that Morocco provide simplified and widely accessible information on international agreements signed by it, and the impact of such agreements on the country's population.[29]

21. The Independent Expert welcomed the constitutional recognition of the fundamental value of solidarity, which drives a participatory, accountable and environmentally sustained development model.[30]

22. In 2016, the Special Rapporteur on the right to food recommended that Morocco increase the implementation of environmental laws to protect its watersheds, forests and rivers, and mechanisms to prevent soil erosion and flooding and to enrich biodiversity.[31]

23. In relation to exploitation of the natural resources of the Western Sahara, the Secretary-General reiterated his call to all relevant actors to recognize the principle that the interests of the inhabitants of those territories were paramount.[32]

3. Human rights and counter-terrorism[33]

24. The Committee remained concerned about the broad and unclear wording of the provisions in the Criminal Code that defined what acts constituted acts of terrorism and the introduction of new, vaguely defined offences in 2015. The Committee recommended that Morocco revise the provisions in its Criminal Code on terrorism, define terrorism-related offences precisely and on the basis of their objective and ensure that this legislation does not unjustifiably restrict the exercise of the rights enshrined in the International Covenant on Civil and Political Rights.[34]

25. The Special Rapporteur on torture noted that the Anti-Terrorism Act provided for police custody for up to three consecutive periods of 96 hours without the right to consult a lawyer.[35]

26. The Human Rights Committee recommended that Morocco reduce the initial maximum allowable duration of police custody to 48 hours for terrorism-related and other offences and allow access to a lawyer from the time that a person is taken into custody.[36]

27. The Working Group on Arbitrary Detention was concerned at allegations that Morocco had served as a departure point, a transit country and a destination for illegal extraordinary renditions carried out in the context of the international fight against terrorism.[37]

B. Civil and political rights

1. Right to life, liberty and security of person[38]

28. The Human Rights Committee welcomed the reduction in 2014 in the number of offences punishable by the death penalty. It recommended that Morocco continue the current national debate on the abolition of the death penalty and consider formalizing the de facto moratorium currently observed.[39]

29. The Special Rapporteur on torture welcomed the acknowledgement of cases of torture during the "years of lead", but regretted that senior authorities denied that torture still occurred.[40] He was concerned that in some cases involving State security, there was a pattern of torture during the arrest process and while in detention, in particular, by agents of the National Surveillance Directorate.[41]

30. The Working Group on Arbitrary Detention was concerned at allegations of incommunicado detention.[42] It was also concerned that the criminal justice system relied heavily on confessions as the main evidence to support conviction, and complaints received indicated the use of torture by State officials to obtain evidence or confessions.[43] It recommended that Morocco take all necessary steps to ensure that criminal convictions were based on evidence other than the confession of the persons charged.[44]

31. The Special Rapporteur on torture recommended that Morocco ensure that no person convicted of or prosecuted for the crime of torture could benefit from an act of amnesty;[45] amend the Code of Criminal Procedure to ensure that any confession made had not been obtained by unlawful means;[46] end the practice of incommunicado and secret detention;[47] expedite investigation into all allegations of torture and ill-treatment; institute procedures of ex officio investigation;[48] and introduce effective and accessible complaint mechanisms.[49] He also recommended that it raise awareness among law enforcement personnel on the prohibition of torture.[50]

32. The Working Group on Arbitrary Detention recommend that Morocco ensure strict adherence to registration from the moment of arrest, in particular in cases involving national security, and that it hold police officers, including chiefs and investigation officials, criminally accountable for any unacknowledged detention.[51]

33. The Special Rapporteur on torture was concerned that conditions in most prisons were still alarming owing to overcrowding, ill-treatment and abusive disciplinary measures, unsanitary conditions, inadequate food and limited access to medical care. He was also concerned that solitary confinement was used excessively,[52] and at the detention conditions of prisoners held on death row.[53] The Working Group on Arbitrary Detention expressed similar concerns.[54] OHCHR reported that in 2015, it had documented the death of three Saharan prisoners, including due to medical negligence while in custody in Morocco.[55] The Special Rapporteur on torture recommended that Morocco allocate sufficient budgetary resources to improve prison conditions.[56]

34. The Human Rights Committee recommended that Morocco put in place a policy on the use of alternatives to deprivation of liberty.[57]

2. Administration of justice, including impunity, and the rule of law[58]

35. The Working Group on Arbitrary Detention regretted that, despite the legal guarantee to have access to a lawyer 24 hours after arrest, in ordinary criminal cases that provision seemed not to be fully respected in practice.[59] It recommended that Morocco ensure, through amendments to legislation, that access to lawyers of a suspect's own choosing was granted from the moment of apprehension without the presence of an investigator and without requiring the authorization of the prosecutor, including in cases of threats against national security.[60] The Human Rights Committee expressed similar concerns and recommendations.[61]

36. The Committee on the Rights of the Child reiterated its concern that the juvenile justice system of Morocco remained mostly punitive, as children were subjected to long periods of pretrial detention. It recommended that Morocco ensure that detention, including

pretrial detention, was used as a measure of last resort and for the shortest possible period of time.[62] The Special Rapporteur on torture recommended that it provide specialized prosecutors and specialized judicial police officers for cases of juvenile offenders.[63]

37. The Human Rights Committee recommended that Morocco pursue and step up its efforts to shed light on the circumstances surrounding all unsolved cases of enforced disappearance, including those linked to events in Western Sahara, and proceed without delay to conduct investigations with a view to identifying, bringing to trial and punishing the persons responsible for them.[64]

38. The Committee on Economic, Social and Cultural Rights was concerned about the prevalence of corruption in Morocco. It recommended that Morocco strengthen efforts to combat corruption effectively and guarantee transparency in the conduct of public affairs, notably by implementing bill No. 113.12.[65]

3. Fundamental freedoms and the right to participate in public and political life[66]

39. The Committee welcomed the adoption in 2016 of the new Press Code, under which press-related offences were no longer subject to custodial penalties. It was concerned, however, about the introduction of new provisions in the Criminal Code that established terms of imprisonment as penalties for acts perceived as being offensive to Islam or the monarchy or as posing a threat to the country's territorial integrity.[67] The Committee was concerned by reports that restrictions were placed on the practice of religions other than the official religion.[68] The Committee recommended that Morocco revise all the relevant provisions of the Criminal Code to ensure that they were fully in accordance with the International Covenant on Civil and Political Rights.[69]

40. The Human Rights Committee recommended that Morocco ensure that the law governing peaceful demonstrations was applied in accordance with the Covenant and that the exercise of that right was not subject to restrictions other than those that are authorized under the Covenant.[70]

41. The United Nations Educational, Scientific and Cultural Organization recommended that Morocco decriminalize defamation and make it a civil offence in accordance with international standards.[71]

42. The Secretary-General reported that, according to various sources, the Moroccan authorities continued to routinely prevent or disperse gatherings focused on the right to self-determination, discriminatory employment policies and other socioeconomic issues. Law enforcement officials also blocked access to demonstrations and often used excessive or unnecessary force in repressing demonstrations. In several cases, protesters and activists were allegedly subjected to arbitrary arrest, unfair trials and imprisonment on ostensibly trumped-up charges. Some persons were reportedly injured during demonstrations and did not receive equal and timely access to medical treatment of services.[72] In addition, water had been allegedly restricted by the security forces to hunger strikers.[73]

43. The Special Rapporteur on the rights to freedom of peaceful assembly and of association was also concerned by allegations relating to the excessive use of force during peaceful demonstrations and recalled that, in 2011, he had requested to visit the State party.[74]

44. The Secretary-General reported that unnecessary restrictions were reportedly imposed on some human rights defenders and activists seeking to enter and leave Western Sahara west of the berm, that a number of human rights organizations had not been accorded legal status, and that the Moroccan authorities continued to harass human rights defenders in Western Sahara.[75]

45. The Secretary-General noted that, during the mission of an OHCHR delegation to Laâyoune and Dakhla, its meetings with civil society and victims had been monitored and a few incidents of reprisal had been reported.[76]

4. Prohibition of all forms of slavery[57]

46. The Office of the United Nations High Commissioner for Refugees (UNHCR) commended the adoption in 2016 of the Law on Human Trafficking.[58] The Special Rapporteur on trafficking in persons, especially women and children, recommended that Morocco develop a related national plan of action and set out clear indicators to measure progress and the impact of police responses;[59] design a mechanism for the collection of data on cases of trafficking;[60] increase efforts to prosecute traffickers; and establish the necessary legal framework and procedures in order to ensure that victims and witnesses were protected.[61]

47. The Committee on the Rights of the Child recommended that Morocco prohibit and criminalize explicitly the recruitment and use of children under 18 years of age in hostilities by armed forces, non-State armed groups and security companies.[62]

5. Right to privacy and family life

48. The Human Rights Committee was concerned by reports of illegal infringements of the right to privacy in the course of surveillance operations targeting journalists and human rights defenders. It recommended that Morocco take all necessary steps to ensure that its surveillance activities were in accordance with the International Covenant on Civil and Political Rights and that any breach of privacy was in keeping with the principles of legality, proportionality and necessity.[63]

49. The Committee on the Rights of the Child was concerned about the consequences of the criminalization of sexual relations outside of marriage, which reportedly resulted in the abandonment of dozens of babies every day in Morocco.[64]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[65]

50. The Special Rapporteur on the right to food was concerned at the high rates of unemployment, informal employment and underemployment.[66]

51. The Committee on Economic, Social and Cultural Rights was concerned about the excessive length of time taken to hand down judgments in labour disputes and the lack of deterrent effect of the penalties, which were sometimes derisory or were not enforced.[67]

52. The same Committee recommended that Morocco strengthen its efforts to reduce significantly the youth unemployment rate, including through vocational and technical training programmes and incentives for employers.[68] The Special Rapporteur on the right to food expressed similar recommendations.[69]

53. The Committee urged Morocco to raise the minimum wage in agriculture to a level that guaranteed a decent living for workers and members of their families.[70]

2. Right to social security[71]

54. The Committee remained concerned that a large proportion of the population was not covered by social security. It urged Morocco to secure compliance by private enterprises, especially in rural areas, with the obligation of affiliation to the social security system and to improve the social coverage of workers in the agricultural sector.[72]

55. The Special Rapporteur on the right to food recommended that Morocco improve the identification of eligible beneficiaries of social protection schemes in order to ensure that they reached the poorest and most disadvantaged sectors of society, including those living in rural areas, and implement measures to ensure that targeting of beneficiaries was transparent and that corruption was eradicated at all levels within the system.[73] She also recommended that it review, analyse and modify policies and programmes on poverty reduction to ensure that gender concerns were taken into account in effective ways.[74]

3. Right to an adequate standard of living[95]

56. The same Special Rapporteur noted that Morocco had made impressive strides in reducing poverty, through the introduction of crucial economic and social reforms. She commended it for the adoption of policies and programmes to ensure the enjoyment of the right to food. However, she was concerned at the persistence of inequality and vulnerability, along with increasing disparities in incomes between regions, and urban and rural areas.[96] The Committee on Economic, Social and Cultural Rights recommended that Morocco ensure that the resources were distributed evenly and equitably between the different regions and between rural and urban areas.[97]

57. The Special Rapporteur on the right to food was concerned at the lack of implementation of legislation promoting the right to food policies.[98] She recommended that Morocco adopt a national right to food framework law based on time-bound benchmarks and effective implementation plans for each region.[99]

4. Right to health[100]

58. The Committee on Economic, Social and Cultural Rights remained concerned at the high rate of maternal mortality, especially in rural areas. It noted that 55 per cent of rural women reportedly received qualified assistance when giving birth, compared with 92 per cent of urban women. The Committee recommended that Morocco provide universal access to high-quality sexual and reproductive facilities and services, particularly in rural areas.[101] The Human Rights Committee also recommended that Morocco promote and guarantee access to contraception and to sexual and reproductive health education and services.[102]

59. The Committee on the Rights of the Child recommended that Morocco adopt a comprehensive sexual and reproductive health policy for adolescents, with special attention to preventing early pregnancy and sexually transmitted infections.[103]

60. The Committee on Economic, Social and Cultural Rights was concerned that the blanket criminalization of abortion drove many women to resort to illegal abortions, thus putting their health and their lives at risk. It recommended that Morocco take steps to prevent dangerous abortions.[104] The Human Rights Committee[105] and the Committee on the Rights of the Child made similar recommendations.[106]

5. Right to education[107]

61. According to UNESCO, the 2013-2016 plan for the education and vocational training sector included important measures to improve the quality of education.[108] However, the problem of young people who did not attend school and school dropouts remained a significant concern.[109] The Committee on the Rights of the Child recommended that Morocco strengthen its efforts to ensure enrolment of all children in primary and secondary education by taking targeted measures to reach children deprived of education.[110]

62. The Committee on Economic, Social and Cultural Rights noted the significant progress made in providing access to education but remained concerned about academic failure, and also about the poor quality of public education.[111]

63. The same Committee was also concerned about the spread of private education, which could lead to a form of segregation, with good-quality education restricted to those who can pay for private, elite schooling.[112]

64. The Committee expressed its concern at the disparities between school enrolment rates for girls and boys, and the difficulties the Saharans experience in gaining access to education, especially at the university level.[113]

65. ORCIR indicated that many of the poor regions, particularly the Middle Atlas region, were predominantly Amazigh and had illiteracy rates estimated as high as 80 per cent.[114]

D. Rights of specific persons or groups

1. Women[115]

66. The Committee on Economic, Social and Cultural Rights was concerned at the various bills containing discriminatory provisions against women.[116] The Special Rapporteur on the right to food recommended that Morocco ensure that laws currently under revision were in line with international human rights standards.[117]

67. While it welcomed the review of the Nationality Code carried out in 2007, which allowed Moroccan women to transmit their nationality to their children,[118] the Human Rights Committee remained concerned by legislative provisions that discriminated against women, including in the areas of marriage, divorce, child custody, legal guardianship of children and the transmission of nationality to a foreign spouse.[119] The Committee recommended that Morocco repeal all provisions that discriminate against women.[120]

68. The Committee on Economic, Social and Cultural Rights was concerned about the persistent violence against women, the limited support offered to victims, and the continued criminalization of "illicit relations", which deterred women from lodging complaints of rape. It recommended that the provision criminalizing illicit sexual relations be repealed. It also recommended that Morocco adopt a comprehensive law on violence against women consistent with relevant international standards, and that it ensure its implementation.[121]

69. The Human Rights Committee recommended that Morocco facilitate the reporting of crimes of violence, ensure that such reports were thoroughly investigated and that the offenders were prosecuted and sentenced and ensure that assistance was provided to victims.[122]

70. The Special Rapporteur on the right to food recommended that Morocco take measures to eliminate prejudices and negative practices against women's rights, including the right to land.[123] The Independent Expert on international solidarity recommended that a gender perspective be mainstreamed in all development programmes and policies across sectors.[124]

71. The Committee on Economic, Social and Cultural Rights recommended that Morocco abolish polygamy and conduct awareness-raising campaigns to eliminate gender stereotypes.[125] The Human Rights Committee made similar recommendations.[126]

72. The Committee on Economic, Social and Cultural Rights noted with concern the persistence of gender segregation in the labour market and women's very low rate of participation in employment. It recommended that Morocco identify the obstacles encountered by women in employment and take appropriate measures, including targeted ones, to promote work-life balance so as to increase women's participation. It also recommended that it adopt temporary special measures where necessary.[127]

73. The Committee regretted that sexual harassment was widespread and was concerned that women had limited means of obtaining justice and redress for fear of reprisals or social disapproval.[128]

2. Children[129]

74. The Committee on the Rights of the Child recommended that Morocco strengthen its international cooperation against child sex tourism through multilateral, regional and bilateral arrangements.[130]

75. The Committee on Economic, Social and Cultural Rights recommended that Morocco adopt the bill establishing the conditions of work and employment of domestic workers and ensure that the law set the minimum age for employment at 18 years.[131] The Committee on the Rights of the Child made similar recommendations.[132]

76. The Committee on the Rights of the Child was concerned about discrimination against girls and children born out of wedlock, including in areas relating to personal status. It recommended that Morocco remove from identity documents any mention that led to the

identification of children as born out of wedlock and that it repeal all legal provisions, especially those contained in the Family Code, that discriminated against those children.[133]

77. The same Committee expressed concern that many children reportedly suffered ill-treatment in police stations, especially children in street situations.[134] The OHCHR regional office for the Middle East and North Africa and the Working Group on Arbitrary Detention found a significant number of children, some as young as 14 years old, were held in ordinary prisons.[135] The Committee on the Rights of the Child recommended that Morocco investigate and prosecute cases of ill-treatment, ensuring that the abused child was not victimized in legal proceedings and that his/her privacy was protected.[136]

78. According to information gathered by OHCHR, there was recurrence of sexual assaults against children. It stressed the need for a national mechanism to monitor child rights violations.[137]

79. The Committee on the Rights of the Child was concerned that children in vulnerable situations were often placed all together in *centres de sauvegarde*, where they were deprived of their liberty and were often subjected to living conditions that amounted to ill-treatment.[138]

80. The same Committee was concerned that Morocco had still not prohibited corporal punishment, which constituted a widespread phenomenon. It recommended that Morocco prohibit unequivocally corporal punishment in all settings.[139]

81. The Committee on Economic, Social and Cultural Rights expressed concern at the fact that, in certain situations, a marriage could lawfully take place before the legal age of 18 years. It invited Morocco to set the minimum age for marriage at 18 years, and to ensure that marriages were entered into with the free consent of both parties.[140] The Committee on the Rights of the Child made similar recommendations.[141]

3. Persons with disabilities[142]

82. The Committee on the Rights of the Child welcomed the adoption of the National Action Plan for the Social Integration of Persons with Disabilities (2008-2017) and the increased number of children enrolled in integrated classes. It was, however, concerned that only one third of children with disabilities attended schools and that children with disabilities faced rejection and stigmatization.[143] The Committee on Economic, Social and Cultural Rights recommended that Morocco set up comprehensive measures to develop inclusive education.[144]

83. The Committee on the Rights of the Child was concerned that one fifth of children with disabilities never attended a health-care facility.[145]

84. The Committee on Economic, Social and Cultural Rights encouraged Morocco to apply the quota of 7 per cent for posts reserved for persons with disabilities and to take other special measures to promote access for them to employment, education and health care.[146]

85. The Special Rapporteur on the right to food recommended that Morocco ensure that a disability perspective was taken fully into account in the nutrition policy, health policy and other related initiatives.[147]

4. Minorities and indigenous peoples[148]

86. The Committee on Economic, Social and Cultural Rights took note of the fact that the Amazigh language had been constitutionally recognized as an official language.[149]

87. The Human Rights Committee recommended that Morocco step up its efforts to adopt an organic law on the Amazigh language that would allow that language to be used in judicial and administrative proceedings and Amazigh first names to be registered.[150]

88. The Committee on Economic, Social and Cultural Rights recommended that Morocco provide primary, secondary and university education in Amazigh, and increase the use of Amazigh on television.[151]

89. The same Committee remained concerned at the de facto discrimination against Amazighs, especially in terms of access to education and employment.[152]

90. The Committee expressed concern at the fact that the Saharo-Hassani language and culture were not sufficiently supported.[153]

91. The Committee recommended that Morocco guarantee Amazighs and Saharans full and unrestricted enjoyment of their right to take part in cultural life; take additional measures to protect cultural diversity and permit them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.[154]

92. The Committee was concerned that the Saharans' right to participate in the use and exploitation of natural resources was still not respected. It recommended that Morocco guarantee respect for the principle of the prior, free and informed consent of the Saharans, and thus that they were able to exercise their right to enjoy their natural wealth and resources.[155]

5. Migrants, refugees, asylum seekers and internally displaced persons[156]

93. The Human Rights Committee regretted that the regularization process pursued in 2014 did not result in the regularization of many refugees.[157] It recommended that Morocco expedite its revision of the legal framework on migration and asylum in order to align it with the International Covenant on Civil and Political Rights, redouble its efforts to regularize the situation of persons requiring international protection, remove the legal barriers to the recognition of marriages among refugees and asylum seekers and revise the Nationality Code so that nationality might be transmitted to all children born in Morocco.[158]

94. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned about reports that migrant workers in an irregular situation were victims of discrimination, [159] abuse and potentially fatal extreme violence, as well as of ill-treatment by some of the security services and by criminal groups in Morocco.[160]

95. The Committee on Migrant Workers was concerned that some migrant women had reportedly been forced into prostitution and migrants had been subjected to forced labour.[161]

96. The same Committee noted with concern information indicating that Morocco carried out collective expulsions and that migrants, in particular pregnant women and unaccompanied minors, were often abandoned in desert areas, including in mined areas.[162] The Committee on the Rights of the Child expressed similar concerns.[163] The Special Rapporteur on torture recommended that Morocco respect the fundamental rights of migrants, refugees and asylum seekers; ensure that they had access to health facilities and medical care without fear of arrest;[164] and take measures to prevent further violence and investigate reports of violence against them.[165]

97. UNHCR commended the national immigration and asylum policy; the national strategy for immigration and asylum [166] and the medical insurance scheme (*Régime d'Assistance Médicale*).[167] UNCHR recommended that Morocco ensure that refugees had effective access to the scheme.[168]

98. UNHCR recommended that Morocco accelerate efforts to enact the draft law on asylum, in consultation with UNHCR,[169] and that it include a mechanism to determine the best interests of asylum-seeking and refugee children.[170]

99. The Committee on the Rights of the Child urged Morocco to abolish the fees imposed for obtaining a birth certificate, and facilitate the provision of birth certificates to all refugee children who still did not possess one.[171]

100. The Secretary-General urged the international community to continue its support to increase funding to the refugee programme.[172] He encouraged the parties in conflict to engage in further dialogue with UNHCR on the resumption of the humanitarian programme in the Western Saharan population.[173]

101. The Committee on Economic, Social and Cultural Rights remained concerned about the precarious situation, upon their return, of Saharan refugees displaced by the conflict in Western Sahara, particularly women and children.[174]

102. UNHCR recommended that Morocco provide effective access to asylum procedures at all entry points of the country, including the transit areas of the airports, in order to guarantee effective protection against refoulement.[175]

E. Specific regions or territories[176]

103. The Human Rights Committee remained concerned by the limited progress made in dealing with the issue of the self-determination of the people of Western Sahara and the presence of the sand wall that limited their freedom of movement. It recommended that Morocco increase the efforts undertaken within the framework of negotiations conducted under the auspices of the Secretary-General of the United Nations so that the people of Western Sahara might enjoy their right to self-determination. In addition, Morocco should enhance the process of meaningful consultations in relation to development projects and resource extraction operations.[177]

104. The Secretary-General was concerned that, in Western Sahara, landmines and other explosive remnants of war continued to endanger the lives of local and nomadic populations. In addition, the departure of all international staff overseeing the Mine Action Service-managed demining project had resulted in the suspension of all demining activities.[178] According to the Secretary-General, it was crucial to make progress as soon as possible to address the tragic humanitarian situation in Western Sahara.[179]

105. The Human Rights Committee recommended that Morocco take the necessary steps to permit the people of Western Sahara to move about freely and safely and that it continue the demining programme along the sand wall.[180] The Committee on Economic, Social and Cultural Rights expressed similar recommendations.[181]

106. The Special Rapporteur on torture found that in Laâyoune, Western Sahara, torture and ill-treatment had been inflicted during arrest, at police stations and at the prison, and that excessive use of force was used during demonstrations for the independence of Western Sahara. He also heard testimonies alleging violations committed by non-State actors promoting the independence of Western Sahara.[182] The Working Group on Arbitrary Detention expressed similar concerns and recommendations.[183]

107. According to the Secretary-General, the alteration of the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) international civilian component could be exploited by terrorist and radical elements.[184] He called upon the Security Council to restore and support the mandated role of MINURSO.[185]

108. The Special Rapporteur on the right to food recommended that Morocco ensure that existing educational resources benefited the local population, and that it introduce mechanisms to significantly reduce unemployment and develop technical training programmes for Sahrawi people and incentives for employers to hire young people without discrimination.[186]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Morocco are available at www.ohchr.org/EN/HRBodies/UPR/Pages/MASession27.aspx.
[2] For relevant recommendations, see A/HRC/21/3, paras. 129.1-129.11, 129.38, 129.123, 129.125, 129.128 and130.1.
[3] See E/C.12/MAR/CO/4, para. 51.
[4] See CRC/C/MAR/CO/3-4, para. 76.
[5] See A/HRC/34/58, para. 2.
[6] See S/2016/355, para. 65.
[7] Ibid., para. 101.
[8] Ibid., para. 100.
[9] Ibid., para. 102.
[10] OHCHR, "Donor profiles", in *OHCHR Report 2015*, p. 111.
[11] For relevant recommendations, see A/HRC/21/3, paras. 129.12-129.37, 129.84, 129.125 and 129.127.
[12] See A/HRC/22/53/Add.2, para. 80.
[13] See S/2016/355, para. 101.
[14] See CRC/C/MAR/CO/3-4, paras. 18-19.
[15] See A/HRC/27/48/Add.5, para. 83 (m).
[16] See CCPR/C/MAR/CO/6, para. 3 (c)-(e).
[17] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14652&LangID=E.
[18] Ibid.
[19] See CRC/C/MAR/CO/3-4, paras. 12-13.
[20] See A/HRC/22/53/Add.2, para. 69.
[21] See A/HRC/32/43/Add.1, para. 73 (b).
[22] For relevant recommendations, see A/HRC/21/3, paras. 129.21 and 129.42.
[23] See E/C.12/MAR/CO/4, paras. 13-14.
[24] Ibid.
[25] OHCHR regional office for the Middle East and North Africa submission for the universal periodic review of Morocco, p. 11.
[26] See CCPR/C/MAR/CO/6, para. 12.
[27] For relevant recommendations, see A/HRC/21/3, paras. 129.102, 129.109, 129.115 and 129.127.
[28] See A/HRC/32/43/Add.1, para. 73 (f).
[29] Ibid., para. 73 (a).
[30] Ibid., para. 72.
[31] See A/HRC/31/51/Add.2, para. 77.
[32] See S/2016/355, para. 103.
[33] For relevant recommendations, see A/HRC/21/3, para. 129.124.
[34] See CCPR/C/MAR/CO/6, paras. 17-18.
[35] See A/HRC/22/53/Add.2, para. 87 (e).
[36] See CCPR/C/MAR/CO/6, para. 18.
[37] See A/HRC/27/48/Add.5, para. 75.
[38] For relevant recommendations, see A/HRC/21/3, paras. 129.49-129-50, 129.56, 128.58-129.60, 129.62, 129.65, 129.77 and 130.12.
[39] See CCPR/C/MAR/CO/6, paras. 19-20.
[40] See A/HRC/22/53/Add.2, para. 71.
[41] Ibid., para. 72.
[42] See A/HRC/27/48/Add.5, para. 75.
[43] Ibid., para. 78.
[44] Ibid., para. 83 (e).
[45] A/HRC/22/53/Add.2, para. 87 (c).
[46] Ibid., para. 87 (g).
[47] Ibid., para. 88 (c).
[48] Ibid., para. 88 (f).
[49] Ibid., para. 88 (m).
[50] Ibid., para. 95 (b).
[51] See A/HRC/27/48/Add.5, para. 83 (h).
[52] See A/HRC/22/53/Add.2, para. 81.
[53] Ibid., para. 83.
[54] See A/HRC/27/48/Add.5, para. 79.
[55] OHCHR regional office submission, p. 7.
[56] See A/HRC/22/53/Add.2, para. 93 (b).

[57] See CCPR/C/MAR/CO/6, para. 30.
[58] For relevant recommendations, see A/HRC/21/3, paras. 129.67-129.76 and 129.81.
[59] See A/HRC/27/48/Add.5, para. 77.
[60] Ibid., para. 83 (a).
[61] See CCPR/C/MAR/CO/6, paras. 25-26.
[62] See CRC/C/MAR/CO/3-4, paras. 74-75.
[63] See A/HRC/22/53/Add.2, para. 91 (c).
[64] See CCPR/C/MAR/CO/6, para. 28.
[65] See E/C.12/MAR/CO/4, paras. 11-12.
[66] For relevant recommendations, see A/HRC/21/3, paras. 129.79-129.80, 129.82, 129.85-129.87, 129.89-129.96, 130.3 and 130.11.
[67] See CCPR/C/MAR/CO/6, para. 43.
[68] Ibid., para. 39.
[69] Ibid., para. 40.
[70] Ibid., para. 46.
[71] See UNESCO submission for the universal periodic review of Morocco, para. 70.
[72] See S/2016/355, para. 68.
[73] Ibid., para. 69.
[74] See A/HRC/23/39/Add.2, paras. 12 and 282.
[75] See S/2016/355, para. 71.
[76] Ibid., para. 66.
[77] For relevant recommendations, see A/HRC/21/3, paras. 129.51-129.55, 129.57, 129.61, 129.63-129.64 and 129.66.
[78] UNHCR submission for the universal periodic review of Morocco, p. 3. See also A/HRC/21/3, para. 129.107.
[79] See A/HRC/26/37/Add.3, para. 81.
[80] Ibid., para. 84.
[81] Ibid., para. 91.
[82] See CRC/C/OPAC/MAR/CO/1, paras. 15-16.
[83] See CCPR/C/MAR/CO/6, paras. 37-38.
[84] See CRC/C/MAR/CO/3-4, paras. 46-47.
[85] For relevant recommendations, see A/HRC/21/3, paras. 129.100, 129.109, 129.111 and 130.4.
[86] See A/HRC/31/51/Add.2, para. 48.
[87] E/C.12/MAR/CO/4, paras. 19-20.
[88] Ibid., paras. 21-22.
[89] See A/HRC/31/51/Add.2, para. 91.
[90] See E/C.12/MAR/CO/4, paras. 25-26.
[91] For relevant recommendations, see A/HRC/21/3, paras. 129.9, 129.100, 129.103, 129.105-129.107, and 129.111-129.113.
[92] See E/C.12/MAR/CO/4, paras. 35-36.
[93] See A/HRC/31/51/Add.2, para. 87.
[94] Ibid., para. 85.
[95] For relevant recommendations, see A/HRC/21/3, paras. 129.99, 129.101-129.103, 129.105-129.106, 129.112-129.113, 129.115 and 130.1-130.12.
[96] See A/HRC/31/51/Add.2, para. 61 and A/HRC/21/3, para. 129.108.
[97] See E/C.12/MAR/CO/4, paras. 43-44.
[98] See A/HRC/31/51/Add.2, para. 61.
[99] Ibid., para. 66.
[100] For relevant recommendations, see A/HRC/21/3, paras. 129.97-129.98, 129.104, 129.107, 129.114, and 130.5-130.7.
[101] See E/C.12/MAR/CO/4, paras. 45-46.
[102] See CCPR/C/MAR/CO/6, para. 22.
[103] See CRC/C/MAR/CO/3-4, paras. 56-57.
[104] See E/C.12/MAR/CO/4, paras. 45-46.
[105] See CCPR/C/MAR/CO/6, para. 22.
[106] See CRC/C/MAR/CO/3-4, paras. 56-57.
[107] For relevant recommendations, see A/HRC/21/3, paras. 129.116-129.120 and 130.9-130.10.
[108] See UNESCO submission, para. 10.
[109] Ibid., para. 24.
[110] See CRC/C/MAR/CO/3-4, paras. 60-61.
[111] See E/C.12/MAR/CO/4, paras. 47-48.
[112] Ibid.
[113] Ibid.

[114] OHCHR regional office submission, p. 6.
[115] For relevant recommendations, see A/HRC/21/3, paras. 129.39-129.41, 129.43-129.48, 129.78, 129.88 and 129.128.
[116] See E/C.12/MAR/CO/4, paras. 17-18.
[117] See A/HRC/31/51/Add.2, paras. 67-66.
[118] See CCPR/C/MAR/CO/6, para. 3 (f).
[119] Ibid., para. 13.
[120] Ibid., para. 14.
[121] See E/C.12/MAR/CO/4, paras. 37-38.
[122] See CCPR/C/MAR/CO/6, para. 16.
[123] See A/HRC/31/51/Add.2, paras. 79 and 81.
[124] See A/HRC/32/43/Add.1, para. 73 (b).
[125] See E/C.12/MAR/CO/4, paras. 17-18.
[126] See CCPR/C/MAR/CO/6, para. 14.
[127] See E/C.12/MAR/CO/4, paras. 17-18.
[128] Ibid., paras. 31-32.
[129] For relevant recommendations, see A/HRC/21/3, paras. 129.65 and 130.2.
[130] See CRC/C/MAR/CO/3-4, paras. 22-23.
[131] E/C.12/MAR/CO/4, paras. 31-32.
[132] See CRC/C/MAR/CO/3-4, paras. 64-65.
[133] Ibid., paras. 24-25.
[134] Ibid., paras. 34-35.
[135] See OHCHR regional office submission, p. 7.
[136] See CRC/C/MAR/CO/3-4, paras. 34-35.
[137] See OHCHR regional office submission, p. 11.
[138] See CRC/C/MAR/CO/3-4, paras. 38-39.
[139] Ibid., paras. 36-37.
[140] See E/C.12/MAR/CO/4, paras. 39-40.
[141] See CRC/C/MAR/CO/3-4, paras. 26-27.
[142] For relevant recommendations, see A/HRC/21/3, paras.129.41-129.42.
[143] See CRC/C/MAR/CO/3-4, paras. 52-53.
[144] See E/C.12/MAR/CO/4, paras. 23-24.
[145] See CRC/C/MAR/CO/3-4, paras. 52-53.
[146] See E/C.12/MAR/CO/4, paras. 23-24.
[147] See A/HRC/31/51/Add.2, para. 93.
[148] For the relevant recommendations, see A/HRC/21/3, para.130.11.
[149] See E/C.12/MAR/CO/4, para. 49.
[150] See CCPR/C/MAR/CO/6, para. 50.
[151] See E/C.12/MAR/CO/4, paras. 49-50.
[152] Ibid., paras. 13-14.
[153] Ibid., paras. 49-50.
[154] Ibid.
[155] Ibid., paras. 5-6.
[156] For relevant recommendations, see A/HRC/21/3, paras. 129.121-129.122.
[157] See CCPR/C/MAR/CO/6, para. 35.
[158] Ibid., para. 36.
[159] See CRC/C/MAR/CO/3-4, paras. 19-20.
[160] See CMW/C/MAR/CO/1, paras. 27-28.
[161] Ibid., paras. 47-48.
[162] Ibid., paras. 31-32.
[163] See CRC/C/MAR/CO/3-4, paras. 62-63.
[164] See A/HRC/22/53/Add.2, para. 90 (b).
[165] Ibid., para. 90 (a).
[166] UNHCR submission, p. 2.
[167] Ibid., p. 3.
[168] UNHCR submission, p. 4. See also A/HRC/21/3, paras. 129.107 (Mexico) and 129.111 (Qatar).
[169] UNHCR submission, p. 4.
[170] Ibid., p. 5.
[171] See CRC/C/MAR/CO/3-4, paras. 30-31.
[172] See S/2016/355, para. 98.
[173] Ibid., para. 99.
[174] See E/C.12/MAR/CO/4, paras. 5-6.
[175] UNHCR submission, p. 4.

[176] For relevant recommendations, see A/HRC/21/3, paras. 130.3 and 130.11-130.12.
[177] See CCPR/C/MAR/CO/6, paras. 9-10.
[178] See S/2016/355, para. 39.
[179] Ibid., para. 89.
[180] See CCPR/C/MAR/CO/6, para. 10.
[181] See E/C.12/MAR/CO/4, paras. 5-6.
[182] See A/HRC/22/53/Add.2, paras. 84-85.
[183] See A/HRC/27/48/Add.5, para. 81.
[184] See S/2016/355, para. 93.
[185] Ibid., para. 95.
[186] See A/HRC/31/51/Add.2, para. 95.

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Summary of stakeholders' submissions on Morocco*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 41 stakeholders' submissions[1] to the Universal Periodic Review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for contributions by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution of the State under review accredited in full compliance with the Paris Principles

2. Concerning the implementation of recommendations supported by Morocco during its second UPR, the National Human Rights Council (NHRC) indicated that: a) In 2016, its status "A" was confirmed by the Global Alliance of National Human Rights Institutions;[2] b) A new draft law proposed the establishment of the National Preventive Mechanism against Torture (NPM);[3] the mechanism dealing with complaints related to children victims and the independent mechanism for the protection of the rights of persons with disabilities. The NHRC recommended accelerating the adoption of the draft law on the NPM; c) Cooperation of the Government with the NHRC had been positive and its response rate to complaints from the NHRC reached 56%;[4] d) A human rights based approach was integrated in the National Public Health Strategy. The NHRC recommended adopting

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specific measures to guarantee the right of vulnerable groups to health;[5] e) Further to a NHRC's request in 2015, 21 associations were legally recognized;[6] f) Further to a memorandum of understanding, several recommendations from the NHRC, related to review of legislation, had been taken into account by the Parliament, in particular regarding military justice, trafficking in persons and domestic child labor;[7] g) Regarding the transitional justice process, a number of victims of human rights violations received compensation. Other measures included healthcare for victims and relatives and social reinsertion programmes;[8] h) Adoption of the Family Law was positive. However, legal challenges continued to hamper women's rights, including polygamy, women's access to legal guardianship, unequal inheritance; and access to land; i) Child marriage, education especially of girls in rural areas, juvenile justice and child domestic labor remained a concern; and j) A law on trafficking in persons was adopted, and a migration policy and an exceptional regularization operation were launched in 2014, benefiting 70% of the registered applicants.[9]

3. In addition, the NHRC recommended: a) The national courts increase use international instruments in rulings; b) Elaborate and implement a plan of action on business and human rights in conformity with the United Nations Guiding Principles on Business and Human Rights (UNGPs); c) Improve the mandate of the Authority for Parity and Fight against Discrimination (APALD) and provide it with necessary resources to independently fulfil its mandate. Promulgate a law that defines discrimination, including adequate sanctions; d) Vote in favor of the General Assembly's Resolution calling for a moratorium on execution of the death penalty, and adhere to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR); f) Allow any person placed in police custody to receive immediate legal assistance without prior authorization; carry out a medical examination at the beginning and at the end of police custody; and generalize audio-visual recording of interrogations; g) Carry out systematically medical assessments in any case of allegation of torture and initiate independent and impartial investigations into such allegations at any stage of the trial; h) Reduce the phenomenon of overcrowding in penitentiary institutions, including by implementing alternative sentences and revising the pardon procedure; i) Protect journalists while exercising their profession and guarantee the right of access to information; j) Elaborate and implement national plans of action on Sustainable Development Goals based on a human rights-based approach; and k) Adopt an equity and quality approach on the reform of the national education system.

4. The NHRC called on Morocco to accept recommendations which did not enjoy its support at the second UPR cycle, such as revising the Family Code to guarantee equality between men and women in inheritance matters,[10] and to prohibit marriage of minors;[11] and introducing a de jure moratorium on executions as rapidly as possible.[12]

III. Information provided by other stakeholders

A. Scope of international obligations[13] and cooperation with international human rights mechanisms and bodies[14]

5. Several stakeholders recommended withdrawing reservations to the Convention on the Elimination of All Forms of Discrimination against Women.[15]

6. Amnesty International (AI) recommended that Morocco implement decisions by the Working Group on Arbitrary Detention,[16] and accept the competence of the CED to consider individual complaints.[17] Asociación de familiares de Presos y Desaparecidos Saharauis (FAPREDESA) recommended submitting the initial pending report to the

Committee on Enforce Disappearance (CED) and ensuring that civil society organisations are consulted during the process.[18]

7. Sahrawi Association of Victims of Grave Human Rights Violations (ASVDH)[19] and World Alliance for Citizen Participation (CIVICUS) recommended improving cooperation with treaty bodies and special procedures.[20]

8. Commission Nationale Sahraouie des droits de l'homme (CONASADH) was concerned that the Saharawi people had not been able to exercise its right to self-determination. [21] ASVDH recommended organizing a referendum with the UN's assistance.[22]

B. National human rights framework[23]

9. AI indicated that Morocco is currently reviewing its Penal Code and Criminal Procedure Code to bring them in line with the Constitution and international law. The drafts partially fulfil the UPR recommendations.[24]

10. JS6 recommended establishing the supremacy of international human rights conventions ratified by Morocco over national laws.[25] JS5 recommended adopting a national plan for the harmonization of domestic legislation with international human rights law, in cooperation with national institutions and civil society.[26]

11. ALKARAMA Foundation (AF) indicated that, further to previous UPR recommendations, Morocco replaced the former Consultative Council by the National Council for Human Rights. AF recommended strengthening the independence of the NHRC vis-à-vis the Executive.[27]

12. JS5 and JS9 recommended accelerating the process of establishing the national preventive mechanism of torture, and ensuring the participation of civil society.[28]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[29]

13. Western Sahara Campaign (WSC) indicated that Saharawi people suffer discrimination in the field of employment, and on the basis of their ethnicity. WSC highlighted that Saharawi women faced double discrimination.[30]

14. According to Adala-UK, Saharawi children are subjected to discrimination and bullying in the schools and are denied their cultural identity in most aspects of their daily life.[31] Adala-UK recommended ensuring that Saharawi children receive equal educational opportunities and are treated without discrimination.[32]

15. AI indicated that Morocco continued to imprison people under laws criminalizing same-sex sexual relations between consenting adults. Between May and June 2015, five men were sentenced to prison by "indecency".[33]

16. JS5 recommended criminalizing hate speech and violence on the basis of religion or sexual orientation.[34]

Development, environment and human rights[37]

17. JS2 recommended operationalizing the National Observatory for the Environment and the regional relevant observatories.[38] JS5 recommended adopting a human rights based approach to face climate change.[37]

18. JS10 and National Federation of Amazigh Associations in Morocco (FNAA) noted that expropriation of indigenous land had persisted and the indigenous communities had not benefited from their natural resources.[38] JS10 recommended implementing measures which safeguard the principle of prior, free and informed consent of the Saharawi people, in order that they may exercise their right to enjoy their natural wealth and resources.[39] JS10 recommended ensuring that the Working Group on Business and Human Rights can freely visit throughout Western Sahara.[40]

Human rights and counter-terrorism[41]

19. AI indicated that, during its second UPR, Morocco committed to fully respecting human rights in the counter-terrorism context. However, in terrorism related cases, the procedural safeguards preventing acts of torture and ill-treatments remain inadequate and the right to counsel is limited. AI recommended amending the Law against terrorism to guarantee fundamental rights of the accused, and adopt a precise definition of terrorism, in conformity with international standards.[42]

20. AI recommended amending the Criminal Procedure Code to guarantee the right of detainees to a lawyer of their choice promptly after arrest and have the lawyer present at all times during interrogation; and ensure that statements of confessions made other than in the presence of a judge or with the assistance of a lawyer, have not probative value in legal proceedings.[43]

21. Liga para la Protección de los Presos Saharauis (LPPS) recommended that the police custody should not exceed 48 hours and guaranteeing to detainees the right to communicate with their family.[44]

2. Civil and Political Rights

Right to life, liberty and security of the person[45]

22. JS9 indicated that, despite the de facto moratorium on executions, the courts continued to hand down death sentences regularly. Since 2013, 28 individuals had been sentenced to death. In 2016, the prison service reported a total of 92 prisoners who had been sentenced to death.[46]

23. AI regretted that the draft Penal Code proposed to expand the scope of the death penalty to three new categories of crimes.[47]

24. JS8 noted that Morocco had not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, even though it had accepted the recommendation made in that regard at the time of its second universal periodic review.[48] JS9 recommended ratifying the Second Optional Protocol, formalizing the moratorium on executions and abolishing the death penalty once and for all, in accordance with the recommendations of the Equity and Reconciliation Commission.[49]

25. JS9 indicated that, according to civil society reports, 67 per cent of prisoners who had been sentenced to death suffered from serious mental health problems.[50] JS9 recommended that the prisoners in question should be examined by a psychiatrist, that prisoners sentenced to death should no longer be placed in solitary confinement and that the right to receive visits should be established by law.[51]

26. According to ASVDH and Asociación de Familiares de Presos y Desaparecidos Saharauis (AFAPREDESA), enforced disappearance in Western Sahara persisted,[52] and the authorities continued to deny these cases.[53] Two mass graves were discovered in 2013 by an independent expert team.[54] AFAPREDESA regretted that no prosecution measures had been taken against the perpetrators, despite the fact that the report of the Royal Advisory Council for Human Rights (2012) recognized that actors belong to various Moroccan military forces. According to AFAPREDESA, the Court of Military Order of Rabat had not cooperated with the families of victims seeking to obtain a copy of documents related to 13 missing persons whose fate and whereabouts remain unknown since 1976.[55]

27. AFAPREDESA recommended conducting prompt and impartial investigations into allegations of enforced disappearances with the support of independent experts;[56] establish the responsibility of those who are involved,[57] provide adequate compensation to the victims' families, and guarantees of non-repetition.[58]

28. AI, while welcoming the decision of the Minister of Justice and Liberties of 2014 encouraging prosecutors and judges to order medical examinations in relation to reports of torture or ill-treatment, regretted that it continued receiving related allegations. Cases documented by AI after the second UPR revealed a lack of adequate investigations.[59] JS4, LPPS and ASVDH and AI recommended ensuring that all reports of torture and ill-treatment are effectively investigated and hold those responsible accountable.[60]

29. AI recommended implementing the recommendations of the Working Group on Arbitrary Detentions and release all those arbitrarily deprived of their liberty as a result of unfair trials.[61]

30. LPPS indicated that since 2013, they have registered 55 cases of political prisoners.[62] Nine of them died as a result of torture and lack of medical attention.[63] Freedom Now (FN) regretted the lack of legislation defining the notion of political prisoner.[64]

31. AI welcomed Morocco's amendment of military justice laws in 2015 to end the trial of civilians before military courts, in accordance with recommendations accepted during its previous UPR. However, AI had continued to document unfair trials, including convictions based on reportedly "confessions" under torture.[65] AF recommended providing for a review mechanism of final criminal convictions pronounced after unfair trials.[66]

32. JS2 and AI stated that prisoners continued to report severe overcrowding and sub-standard medical care, despite recommendations accepted by Morocco in this area.[67] According to JS2, overcrowding had been due to a failure to adopt alternatives to pre-trial arrest.[68] AI recommended limiting the use of pre-trial custody.[69] JS2 recommended bringing the legal framework governing prisons in line with the Constitution and international standards.[70] JS4 recommended adopting a plan and programme of action as part of the prisons and health-care project.[71]

Administration of justice, including impunity, and the rule of law[72]

33. JS2 indicated that during the period under review, Morocco established the High Authority for National Dialogue to Reform the Justice System and promulgated the laws of the Supreme Judiciary Council and on the Statute of Judges.[73] AI noted, however, that reforms have fallen short of ensuring judicial independence, as was recommended during Morocco's previous UPR.[74]

34. AI indicated that, despite the transitional justice process launched in 2004, the fate of many victims of enforced disappearance remains unknown. The Equity and Reconciliation Commission fell short of identifying individuals suspected of criminal responsibility for grave human rights violations.[75]

35. AF, LPPS, CONASADH and AI welcomed the Court de Cassation's decision to set a retrial before a civilian court for 23 Sahrawi protesters convicted on the basis of an impartial trial by a military court in 2013 (Gdeim Izik case).[76] According to JS8, they were convicted mainly based on confessions that they claimed were extracted by torture.[77]

Fundamental freedoms and the right to participate in public and political life[78]

36. ADF-international indicated that Christians and other religious minorities face discrimination and prosecution.[79] It noted various restrictions placed on those observing other religions than Islam, including monitoring of meetings. It also indicated that the Penal Code punished incitement to conversion, which can be broadly interpreted.[80] ADF-International and JS2 recommended ensuring that freedom of thought, conscience, and religion is duly guaranteed in accordance with international law.[81]

37. Front Line Defenders (FLD),[82] JS2[83], La ligue Marocaine pour la citoyenneté et les droits de l'homme (LMCDH)[84] and AF[85] and AI indicated that, in response to recommendations supported, in 2016, Morocco did remove prison penalties from its Press Code. Journalists continued to be prosecuted under the Penal Code,[86] sentenced to heavy fines and in some instances imprisonment.[87]

38. AI, American Association of Jurists (AAJ),[88] RWB,[89] JS14 and Coordinating of Gdeim Izik movement peaceful (CEGIPM)[90] recommended removing provisions criminalizing peaceful free expression from the Penal Code. CIVICUS[91], JS2[92] and JS5 recommended adopting a law on information, in conformity with international law.

39. RWB (Reporters without borders) regretted that in 2016, Morocco was ranked one place lower that in the 2015 World Press Freedom Index.[93]

40. JS12 noted that vaguely formulated provisions in the Penal Code have also been used to imprison artists.[94] In addition, the Film Screening Commission's criteria to deny permits or ban movies are ambiguous, and the Commission's decisions are not subjected to appeal.[95] JS12 recommended that any restrictions to freedom of expression are imposed exclusively by a court, and measures be taken to ensure that artists, including women, are free to express themselves and participate in cultural events without fear of reprisals.[96]

41. CONASADH, ASVDH, S8, JS14 and CIVICUS were alarmed by the deterioration of the space for civil society and human rights defenders, in spite of supported UPR recommendations in this regard.[97] Since the previous UPR the imposition of travel bans,[98] and preventing and banning meetings, had increased.[99]

42. According to CIVICUS and RWB, organizations' representatives working on issues regarding self-determination face higher risks of arbitrary arrest and detention, ill-treatment and torture.[100]

43. LMCDH, FN, CIVICUS and FLD were concerned that current legislation allowed excessive discretion to dissolve or prevent the registration of organisations that are deemed critical of government policies and practices.[101]

44. AI recommended ending obstacles to NGOs' registration and removing arbitrary restrictions to their peaceful activities, and ending restrictions on the access to Morocco and Western Sahara for journalists and human rights defenders.[102]

45. JS4 recommended providing for means to appeal administrative decisions concerning the establishment of associations or the renewal of their authorization to operate.[103]

46. FN (Freedom Now)[104] and JS8 stated that, since the previous Morocco's UPR; demonstrations in support of self-determination had been systematically repressed.[105] CIVICUS recommended to impartially investigating any excessive use of force committed

by the security forces against demonstrators.[106] AF recommended ensuring the effective implementation of the UN Basic Principles on the use of firearms in the context of law enforcement operations.[107]

Prohibition of all forms of slavery[108]

47. JS2 acknowledged the 2015 policy on migration and the Law on prevention of human trafficking.[109] JS2 recommended developing a mechanism to identify victims of human trafficking and provide them with protection and assistance.[110]

48. JS3 recommended adopting specific legislation to combat human trafficking.[111]

Right to privacy and family life

49. Privacy International (PI) was concerned at increasing reports of journalists and human rights defenders having been unlawfully subjected to surveillance,[112] by using sophisticated technologies.[113] ASVDH regretted the deliberated cuts of internet during the major events.[114] PI recommended ensuring that security and intelligence agencies operate in accordance with international human rights standards.[115]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[116]

50. According to JS4, labour laws are not always observed. JS4 recommended strengthening the pool of labour inspectors and their collaboration with the public prosecutor's office in order to punish those who violate labour legislation.

51. LMCDH noted that unemployment had risen.[117] JS4 expressed concern at the high number of private sector employees without social security coverage and at the difficulty of monitoring the situation and the effectiveness of the sanctions imposed on employers.[118]

Right to an adequate standard of living[119]

52. JS2 welcomed the adoption of laws and programmes relating to economic, social and cultural rights such as the national programme for education, health and housing. JS2 was concerned at the absence of territorial justice in distribution of housing, and lack of a strategy to protect and assist poor families.[120] JS2 recommended continuing rationalizing social housing and providing decent housing for the rural population.[121]

53. JS4 regretted that property speculation prevented a large segment of the population from gaining access to housing. JS4 recommended adopting legislation to guarantee access to decent housing and to put an end to property speculation and the illegal allotment of land.[122]

Right to health[123]

54. JS13 observed that the public sector occupied a predominant role in the health system and that services were centralized.[124]

55. LMCDH noted that the health sector showed signs of continued deterioration with medical staff in short supply, facilities in a poor state of repair, limited availability of specialist treatment, shortages of medicines and, in cases of medical negligence, a climate of impunity.[125]

56. JS4 observed that many individuals lacked health coverage. According to one report, there was only one health centre for every 42,000 residents, less than one bed for every 1,000 residents, just one doctor for every 1,630 residents and one nurse for every 1,109

residents. Rabat and Casablanca alone accounted for 45 per cent of doctors, and one quarter of the rural population lived 10 km or more from the nearest health centre.[126] ASVDH regretted the shortage of specialized doctors in most cities in Western Sahara.[127]

57. JS13 recommended improving the distribution of medical facilities, units and staff, increasing coordination across health programmes and introducing measures and initiatives targeted at rural and vulnerable population groups.[128]

58. JS5 recommended expanding the circle of beneficiaries from the medical assistance system to include all vulnerable people across the country.[129]

59. JS13 noted a decrease in infant mortality and that action plans and strategies had been implemented for the provision of integrated services.[130] However, young persons and adolescents remained vulnerable and were exposed to a number of risks. A study had found that 48.9 per cent of young persons aged 15 and over suffered from some sort of mental health issue, such as insomnia, anxiety or depression.[131]

60. JS3 indicated that the shortcomings of the health system affected women in particular, especially in rural areas, and despite the progress that had been made, the rate of maternal deaths in childbirth remained very high. JS3 also indicated that many women in Morocco resorted to clandestine abortions.[132] JS13 took note of the maternal mortality action plan and the 2012-2016 national strategic plan to combat HIV/AIDS.[133] JS3 recommended implementing action plans to promote women's reproductive health in accordance with international law.[134]

Right to education[135]

61. JS3[136] and JS2[137] were concerned at high dropout and illiteracy rates in the context of privatizing education, especially among women and children in rural areas. JS2 recommended carrying out efforts to combat school dropouts, increase resources to the education sector, and operationalize the Strategic Plan for Education 2015-2030.[138]

62. LMCDH was also concerned by school dropout rates, including among persons with disabilities, and by overcrowding in public schools.[139]

63. JS4 recommended increasing investments in public education infrastructure, recruiting additional teaching staff such as to improve the quality of education and incorporating human rights content into school curricula and textbooks.[140]

4. Rights of specific persons or groups

Women[141]

64. JS3 welcomed the repeal of the provision permitting the rapist of a minor to marry his victim and avoid prosecution. However, sexual relations outside marriage, adultery and abortion continued to be considered criminal offences and honour crimes continued to go unpunished.[142]

65. JS5 recommended redefining rape, while maintaining its qualification as a crime and including marital rape in the Penal Code.[143]

66. JS6 was concerned at multiples barriers to reporting sexual harassment.[144]

67. According to JS6, violence against women remained a widespread phenomenon. No specific legislation addressed the issue and current laws were insufficient to prevent, investigate and punish violence against women. Victims lacked access to housing and healthcare; women still had unequal access to divorce, and early marriage of girls persisted.[145]

68. JS3 recommended bringing the bill on combating violence against women into line with international standards, tackling this abominable phenomenon through concerted action by various ministries and increasing efforts to raise awareness of this issue.[146]

69. WSC was concerned that women had little access to legal remedy and rarely report rape.[147] JS6 recommended that women who launch criminal proceedings benefit from protective measures during the complaint and investigation phase; and reforming the Penal Procedure Code to effectively address the reporting, investigation and prosecution phases of cases of violence against women.[148] WSC stated that Saharawi women activists routinely complain of having suffered sexual violence during detention.[149]

70. JS3 was concerned by the fact that the Family Code contained several discriminatory provisions, such as expulsion of a woman from the marital home, divorce on grounds of marital discord and the fact that women cannot obtain custody of their children.[150]

71. JS6 regretted that polygamy has not been prohibited despite the fact that Morocco accepted to implement this recommendation[151] and put the Family Code in conformity with international law.[152] JS2, JS6[153], and AI[154] and JS5[155] recommended reviewing the Family Code by forbidding polygamy and preventing child marriage; repealing discriminatory provisions related to custody, marriage, inheritance and transfer of nationality, adopting legislation to eliminate violence against women, in line with international standards.[156]

72. WSC recommended that the special situation of Saharawi women, as a vulnerable group, is addressed in laws, policies and programmes.[157]

73. FNAA noted as positive the circular of the Ministry of Interior of 2012, which promotes women's access to land.[158] JS2 recommended adopting legislation on equal distribution of ancestral tribes' lands.[159]

74. JS3 regretted that, in spite of the legislation that had been adopted, women remained underrepresented in elected offices and decision-making positions. In 2014, women accounted for 12.8 per cent of government positions, compared with 21.2 per cent in 2007.[160] JS3 recommended taking positive action to guarantee women's eligibility for such positions and ensuring that lists of candidates without any women are inadmissible.[161]

75. JS13 recommended introducing a policy to raise awareness of women's rights and to promote a culture of equality.[162]

Children[163]

76. LMCDH found it regrettable that many children were exploited and subjected to work that was harmful to their health and development and that there was no legal oversight or protection available to them.[164]

77. Adala-UK stated that some Saharawi minors are victims of violence perpetrated by the security forces, allegedly forced to sign confessions under torture, abducted and taken from their homes during the night.[165]

78. JS13 noted an upward trend in the number of early marriages performed and in the number of authorizations granted by judges.[166]

79. Adala-UK[167] and JS5 recommended criminalizing all forms of violence against children.[168] JS13 recommended taking further steps to bring domestic legislation on protecting children from sexual exploitation and abuse into line with international law and recommended guaranteeing strict observance of the minimum age for marriage.[169]

80. JS5 recommended extending the benefits generated by the social solidarity fund to children born out of wedlock.[170]

81. LMCDH was concerned by the lack of programmes to protect children living in vulnerable circumstances, including street children.[171]

82. SJ5 welcomed the national Integrated Strategy for Youth (2015-2030) and recommended to develop a related specific action plan.[172]

Persons with disabilities[173]

83. JS2 noted that Morocco has set up an inter-ministerial committee in charge of disability and published a national survey on disabilities. JS2 recommended adopting a law for persons with disabilities in line with international standards, and promote political participation of persons with disabilities.[174]

84. JS5 recommended guaranteeing the right to work, social protection and health. JS5 recommended facilitating braille literacy, learning of sign language, and education adapted to the different needs of persons with disabilities.[175]

85. JS13 indicated that 60.8 per cent of persons with disabilities had no access to health care.[176]

Minorities and indigenous peoples[177]

86. JS8 noted with concern that Morocco's policies had limited the expression of Sahrawi identity.[178] ASVDH regretted the prohibition of building tents and destruction of historical monuments such as Villa Cisnero in Dakhla.[179] In addition, Morocco censored Sahrawi cultural expressions and Sahrawi artists who promote the right of self-determination are banned from taking part in cultural life.[180]

87. FNAA noted that, as a follow-up action to recommendations supported during the 2nd UPR, the Ministry of Interior called on civil status officers to adopt flexibility in processing applications for Amazigh names submitted.[181] However, Amazigh names continued to be prohibited.[182] JS4 recommended amending legislation that discriminated against the Amazigh language and culture and ensuring that civil registry offices respected the Amazighs' right to a legal identity, including the removal of any ban on Amazigh names.[183]

88. Moroccan legislation still enshrines discrimination against Amazigh people, including discriminatory provisions against Amazigh language and culture.[184] JS8 regretted that schools in Western Sahara still did not allow the use of Hassaniya language and do not teach Sahrawi history, culture or geography.[185]

89. JS2[186] and FNAA[187] recommended establishing an Amazigh media hub within the National Radio and Television Broadcasting.

Migrants, refugees and asylum seekers and internally displaced persons[188]

90. JS4 recommended bringing migration legislation into line with the relevant international convention and adopting the comprehensive migration policy and measures to protect the right to asylum.[189]

91. JS7 indicated that access to justice posed a significant challenge for foreign nationals, particularly those in an irregular situation, who preferred not to file complaints out of fear that any action on their part would rebound adversely on them. Lack of access to an interpreter was often a major obstacle.[190]

92. JS7 was concerned that a migrant detention centre was operating in Laayoune outside the framework of the law, thus preventing judges from monitoring detention procedures. Persons deprived of their liberty were being held in deplorable conditions.[191]

93. AI documented cases of excessive or unnecessary use of force by Moroccan security forces against migrant and asylum-seekers attempting to enter Spain irregularly. AI was concerned about the lack of adequate investigations into the deaths of sub-Saharan migrants who allegedly died of asphyxiation after the authorities lit a fire outside a cave where they had taken refuge during a raid near the northern city of Fnideq.[192] AI recommended ending the use of disproportionate or unnecessary force against migrants, asylum-seekers and refugees by law enforcement officials.[193]

94. JS7 indicated that, since its second universal periodic review, Morocco had undertaken a programme in 2014 to regularize the status of many migrants. It had also adopted a national strategy on immigration and asylum. However, effective implementation of the integration policy faced serious obstacles, and arbitrary procedures and violence continued to be reported in the country's border areas, where the humanitarian situation of migrants remained a source of great concern.[194]

95. JS7 noted that a memorandum issued in 2013 had opened access to education for many migrant children. However, enrolment procedures in some educational districts remained complicated for foreign families, as they had to request authorization from the provincial directorate in order to enrol their children.[195]

96. JS7 regretted that persons were encountering difficulties in renewing their residence permits in a number of cities, such as Tangier.[196]

97. JS7 noted a steady reduction in vulnerable foreigners' access to health-care services, such as assistance at childbirth. Moreover, foreign nationals did not enjoy access to the medical assistance programme for the poor, and in some cases they were unable to access treatment because they lacked documentation, such as proof of address.[197]

98. JS7 was concerned that the lack of a clear legislative framework continued to be a hindrance to refugee status determination procedures.[198]

99. JS5 recommended accelerating the adoption of a law regulating the right of refugees and asylum seekers, and the creation of an institutional mechanism entrusted with follow-up, and carry out awareness raising campaigns on tolerance.[199]

100. JS7 was concerned by the destruction of migrants' property and camps in 2016 in wooded areas close to border zones.[200]

101. JS7 observed that in 2013 persons had been forcibly displaced over hundreds of kilometres to other cities in Morocco, such as Rabat, Casablanca, Fez and Meknès. Many of those who had been provided with assistance following such displacements were children.[201]

5. Specific regions or territories[202]

102. Unión de Juristas Saharauis (UJS) recommended that Morocco should join with the international community in its efforts to implement the right of the Saharawi people to self-determination.[203]

103. Asociación Profesional de Abogados Saharauis en España (APRASE) noted that the wall built in Western Sahara had had a negative impact on the rights of the Saharawi people, who had been traditionally a nomad population. WSC[204] and ASAVIM also expressed concern at the persistence of mines which pose a threat to life and physical integrity of the population, but also their economic and social rights, since most of them are pastoralists.[205] ASAVIM recommended demolishing the wall and that Morocco be more engaged to the mining elimination.[206] SWC recommended signing the 1997 Mine Ban Treaty.[207] JS8 recommended expeditiously adopting a mine-clearing strategy.[208]

104. CONASADH, WSC[209] and JS10 recommended holding a free and independent referendum on the right to self-determination under the auspices of the United Nations.[210]

105. CONASADH recommended accepting the inclusion of a human rights monitoring component in the mandate of the MINURSO (United Nations Mission for the Referendum in Western Sahara).[211]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.
Civil society
Individual submissions:

AAJ	Asociación Americana de Juristas;
Adala-UK	Adala UK;
ADF-International	ADF International (Geneva) Switzerland;
AFAPREDESA	Asociación de Familiares de Presos y Desaparecidos Sahauris (Tindouf) (Algeria);
AI	Amnesty International;
AF	ALKARAMA Foundation;
AMVEAA	Association des Marocains Victimes d'Expulsion Arbitraire d'Algerie (Rabat) (Maroc);
APRASE	Asociación Profesional de Abogados Saharauis en España (Madrid) (Spain);
ASAVIM	Asociación Saharaui de Vicitmas de Minas (Morocco);
ASVDH	Association Sahraouie des Victimes des Violations Graves des Droits de l'Homme comises par l'Etat du Maroc (El-Aaiun) (Western Sahara);
CIVICUS	CIVICUS: World Alliance for Citizen Participation;
CONASADH	Sahrawi National Commission of Human Rights;
FFF	Four Freedom Forum;
FLD	Front Line Defenders;
FN	Freedom Now;
FNAA	National Federation of Amazigh Associations in Morocco;
GG	The Good Group;
GTS	Groupe du Travail Saharaoui;
CEGIPM	Coordinating of gdeim izik movement peaceful;
Indigenous^1893	Indigenous 1893;
LMCDH	Ligue Marocaine pour la citoyenneté et les droits de l'homme;
LPPS	Liga para la Protección de los Presos Saharauis;
OHR	Oceania Human Rights;
PI	Privacy International;
RSF	Reporters without Borders;
USJ	Union de Juristas Saharauis;
WSC	Western Sahara Campain UK;
JS2	Joint submission 2 submitted by Adala Association, Morrocan Human Rights Organization, Maghreb Mashereq Civil Society Portal, Union of Women's Action, Collectif Autisme Maroc, Democratic Association of Moroccan Women, Forum of Alternatives Morcco, Moroccan Observatory for Public Liberties, Moroccan Prisons Observatory, White Dove Association for the rights of people with disability situation in Morocco (Rabat) (Morocco);
JS3	Joint submission 3 submitted by: Association Democratique des Feems du Maroc, Association ADALA, Association CHAML pour la Famille et la Femme, Association ENNAKHIL pour la Femme et l'Enfant, Association Femmes du Sud, Association

	Initiatives por la promotion des droits des Femmes – Meknès, Association INSAF, Association INSAT des Femmes en Difficulté, Association Jeunes pour Jeunes, Association Main Solidaires pour le Droit à la Dignité et à la Citoyenneté, Association Oued Srou, Association Osygène, Association Solidarité Femenine, Association Troisième Millénaire pour le Developpement de l'Action Associative au Sud-Est, Association Widad pour la Femme et l'Enfant, Association 12 Mars Fémenine pour le Développement, Association Assaida Alhorra pour la citoyenneté et l'égalité des chances, Association de Lutte contre le Sida, Association Initiatives pour la Protection des Droits des Femmes –Fès, Association Marrocaine pour l'éducation de la jeunesse, Association Maorccaine des Déficients Moteurs, Association Marrocaine pour les Droits des Femmes, Association Oujda Ain Ghazal, Carrefour Associatif, Espace Féminin, Espace Libre de Citoyenneté de Formation et de Développement, Instance Marrocaine des Droits Huamins, Mouvement Alternatives Citoyenne, Mouvement Rihanate Citoyennes, Organisation Marrocaine des Droits Humains, Réseau des Associations de Développement des Oasis du Sud-Est (Rabat) (Morocco);
JS4	Joint submission 4 submitted by: Coallition des ONG pour l'EPU du Maroc: La Ligue Marocaine pour la Défense des Droits Humains, L'Association Marocaines des Droits Humains, l'Instance Marocaine des Droits Humains, Le Réseau Amazigh pour la Citoyenneté, l'Espace Associatif, Forum de Femmes au RIF, Institut Prometheus pour la Démocratie et les Droits Humains, Freedom Now, L'association des Mains Solidaires, L'Association Marocaine des Femmes Progressistes City (Country);
JS5	Joint submission 4 submitted by: Civil Coalition of Moroccan Youth Organization: Prometheus Institute for Democracy and Human Rights, Youth forum for Democracy and Citizenship, Observatoire du RIF pour les Etudes et Recherche Sciences Sociales, L'Assocation Manar pour l'Incitation à la Citoyenneté Active et Locale A.M.I.C.A.L, Jeunes Femmes pour la Democratie Casablanca, Forum d'Innovation des jeunes et des Etudiants de l'Université Hassan I Settat, Forum Beni Zoli pour le Developpment et la Communication Fobdec- Zaragoza, Fondation Zaer pour les Etudes et la Recherche, Atlas Center for Diplomacy Studies, Association Thissaghinasse pour la Culture et le Développement (Asticude)- Nador, Association Tazghart, Association pour le Developpement de l'Enfance et de la Jeunesse (42 section);
JS6	Joint submission 4 submitted by: The Advocates for Human Rights (Minneapolis) (USA), Mobilising for Rights Associates (Rabat) (Morocco);
JS7	Association de Lutte contre le Sida, Assocaition Meilleur Avenir pour nos Enfants, Alianza por la Solidaridad, Caritas, Comité Européen pour la formation et l'agriculture, Delegations des Migrations Nador, Association Droit et Justice, Fondation Orient Occident, medecins du Monde Belgique et organisation Marocaine des droits de l'homme;
JS8	Robert F. Kennedy Human Rights, Collectif des défenseurs sahraouis des droits de l'homme, Association Sahraouie des Victimes de Violations Graves Des Droits de l'Homme Commises par l'Etat du Maroc, Fondation Danielle Mitterrand/France

	Libertés, Bureau des Droits de l'Homme au Sahara occidental, Association Française d'Amitié et de Solidarité avec les Peuples d'Afrique, Association des Familles et des Disparus Sahraouis, AdalaUK, Action des Chrétiens Pour L'Abolition de la Torture – France, Sandblast;
JS9	Coalition marocaine contre la peine de mort and Ensemble contre la peine de mort;
JS10	Western Sahara Resource Watch and Association for the Monitoring Resources and the Protection of the Environment in Western Sahara;
JS11	Joint submission 4 submitted by: CODAPSO (Comité de Defensa del Derecho de Autodeterminación de los Pueblos Indígenas) and APRASE (Asociación de Abogados Saharauis en España (Madrid) (Spain);
JS12	Freemuse (Copenhagen) (Denmark) and Racines (Casablanca) (Morocco);
JS13	Association Marocaine de Planificaton familiale;
JS14	Réseau d'ONG de protection des droits des enfants vulnérables pour la Ving-septième session de l'EPU.

National human rights institution(s):

NHRC	National Human Rights Council * Rabat, (Morocco).

[2] NHRC submission, para. 6, related to recos.129.13, 129.29, and 129.30 (Zimbabwe, Nepal and Norway).

[3] NHRC submission, para. 7 and 24, related to recommendation 129.29 (Nepal).

[4] NHRC submission, para. 13, related to recommendations 129.84 and 129.125 (Azerbaijan and Venezuela, Bolivarian Republic of).

[5] NHRC submission, para. 15, related to recommendations 129.84, 129.97, 129.125, 130.6, 130.7 (Azerbaijan, Sri Lanka, and Venezuela, Bolivarian Republic of, Bahrain, Monaco).

[6] NHRC submission, para. 16, related to recommendations 129.84 and 129.125(Azerbaijan and Venezuela, Bolivarian Republic of).

[7] NHRC submission, para. 17, related to recommendations 129.84 and 129.125(Azerbaijan and Venezuela, Bolivarian Republic of).

[8] NHRC submission, para. 15, related to recommendations 129.84, 129.97, 129.125, 130.6, 130.7 (Azerbaijan, Sri Lanka, and Venezuela, Bolivarian Republic of, Bahrain, Monaco).

[9] NHRC submission, para. 14, related to recommendations 129.121 and 129.122 (Swaziland and Indonesia).

[10] NHRC submission, para. 45, related to recommendation 131.7 (Belgium).

[11] NHRC submission, para. 45, related to recommendation 131.6 (Belgium).

[12] NHRC submission, para. 45, related to recommendation 131.3 (Belgium).

[13] The following abbreviations are used in UPR documents:

ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
CRC	Convention on the Rights of the Child;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD.

[14] For relevant recommendations, see A/HRC/21/3, paras. 129.1-129.129.22, 129.14, 129.38, 129.123, 129.125, 129.128, and 130.1.

[15] JS2, para. 19 a), JS3 page 4, JS4, page 15 and 16, JS5, para. 5.

[16] AI, page 8.

[17] AI, page 9.

[18] AFAPREDESA, para. 31.

[19] ASVDH, page 9.

[20] CIVICUS, page 11.

[21] CIVICUS, page 11and CONASADH, para. 7.
[22] ASVDH, page 9.
[23] For relevant recommendations, see A/HRC/21/3, paras. 129.12-129.37, 129.84, 129.125, and 129.127.
[24] AI, page 1.
[25] JS6, para. 51.
[26] JS5, para. 4.
[27] ALKARAMA, para. 10 (d), JS9 page 2, related to recommendations 129.29, and 129.30 (Nepal and Norway).
[28] JS5, para. 21.
[29] For relevant recommendations, see A/HRC/21/3, paras. 129.21, 129.42.
[30] WSC, para. 11.
[31] Adala UK, page 5 and 6.
[32] Adala UK, page 8.
[33] AI, page 6.
[34] JS5, para.12.
[35] For relevant recommendations, see A/HRC/21/3, paras.129.127, 129.115, 129.102, 129.109.
[36] JS2, para. 59.
[37] JS5, para. 23.
[38] FNAA page 5, JS10 para. 31 and 32.
[39] JS10, para. 39 (III).
[40] JS10, para. 39 (X).
[41] For relevant recommendations, see A/HRC/21/3, paras. 129.124.
[42] ALKARAMA, para. 40 and 44 (a) and (b), related to recommendation 129.124 (France).
[43] AI, page 8.
[44] LPPS, para. 29.
[45] For relevant recommendations, see A/HRC/21/3, paras. 129.49-129-50, 129.56, 128.58-129.60, 129.62, 129.65, 129.77, and 130.12.
[46] JS9, page 4.
[47] AI, page 8.
[48] JS8, page 5.
[49] JS9, page 7 and 8.
[50] JS9, page 6.
[51] JS9, page 8.
[52] AFAPREDESA, para. 5.
[53] ASVDH, page 6 and AFAPREDESA, para. 11 and 25.
[54] AFAPREDESA, para. 25.
[55] AFAPREDESA, para. 24.
[56] AFAPREDESA, para. 32.
[57] AFAPREDESA, para. 33.
[58] AFAPREDESA, para. 34.
[59] AI, para. 5.
[60] JS4 page 4, LPPS para. 25, ASVDH page 9 and AI page 9.
[61] AI, para.14 (b).
[62] LPPS, para. 5.
[63] LPPS, para. 20.
[64] FN, para. 6.
[65] AI, page 1 and 4.
[66] ALKARAMA, para. 32 (a).
[67] JS2, para.15 and AI page 2.
[68] JS2, para.16.
[69] ALKARAMA, para. 27 (d).
[70] JS2, para. 18.
[71] JS4, page 6.
[72] For relevant recommendations, see A/HRC/21/3, paras. 129.67-129.76, and 129.81.
[73] JS2, para. 8.
[74] AI, page 1.

[75] AI, page 7.
[76] ALKARAMA, para. 31, LPPS, para. 13, LPPS, para. 13 and AI page 9.
[77] JS8, para. 17.
[78] For relevant recommendations, see A/HRC/21/3, paras. 129.79-129.80, 129.82, 129.85-129.87, 129.89-129.96, 130.3, and 130.11.
[79] ADF International, para. 17.
[80] ADF International, para. 15 and 20.
[81] ADF International, para. 25, JS7 para. 64.
[82] FLD, page 2.
[83] JS2, para. 30.
[84] LMCDH, page 3.
[85] ALKARAMA, para. 33.
[86] AI, page 1.
[87] AI, page 3.
[88] AAJ, pages 2 and 6.
[89] RWB, page 3.
[90] CEGIPM, page 4.
[91] CIVICUS para. 6.2.
[92] JS2, para. 33.
[93] RWB, page 1.
[94] FREEMUSE, para. 14.
[95] FREEMUSE, para. 37 and 38.
[96] FREEMUSE, para. 69-75.
[97] CONASADH, para. 14, ASVDH, page 4, JS8, para. 3 and CIVICUS para. 1.5; related to recommendation: 129.83, 129.89, 130.3, 130.5 (United States of America, Egypt, Canada, Uzbekistan).
[98] ASVDH, page 4
[99] CIVICUS, para. 1.5, related to recommendation (130.11 Ireland).
[100] RWB, page 1 and CIVICUS para. 3.1 and 3.4.
[101] LMCDH, page 2, FN para. 7, FLD page 3 and CIVICUS para. 2.3.
[102] AI, page 8.
[103] JS4, page 6.
[104] FN, para. 5.
[105] JS8, para. 23.
[106] CIVICUS, para. 6.4.
[107] ALKARAMA, para. 39 (b).
[108] For relevant recommendations, see A/HRC/21/3, paras. 129.51-129.55,129.57, 129.61, 129.63-129.64, and 129.66.
[109] JS2, para. 51.
[110] JS2, para. 54.
[111] JS3, page 4 and 5.
[112] PI, para. 26.
[113] PI para. 27.
[114] ASVDH, page 5 and 6.
[115] PI, para. 50.
[116] For relevant recommendations, see A/HRC/21/3, paras. 129.100, 129.109129.111, and 130.4.
[117] LMCDH, para. 49.
[118] JS4, page 12.
[119] For relevant recommendations, see A/HRC/21/3, paras. 129.99, 129.101-129.103, 129.105, 129.108, 129.112129.113, 129.115, and 130.8.
[120] JS2, para. 58.
[121] JS2, para. 59.
[122] JS4, page 13.
[123] For relevant recommendations, see A/HRC/21/3, paras. 129.97-129.98, 129.104, 129.107, 129.114, and 130.5-130-7.
[124] JS13, para. 1.2.1.

[127] LMCD01, page 4.
[128] JS4, page 12.
[129] ASVD01, page 7.
[130] JS13, para. 1.4.
[131] JS5, para. 16.
[132] JS13, para. 1.1.1-1.1.4.
[133] JS13, para. 1.1.11.
[134] JS3, page 8.
[135] JS13, para. 1.3.2-1.3.5.
[136] JS3, page 9.
[137] For relevant recommendations, see A/HRC/21/3, paras. 129.116-129.129.120, 130.9, and 130.10.
[138] JS3, page 8.
[139] JS2, para. 58 and 59.
[140] JS2, para. 58 and 59.
[141] LMCD01, page 4.
[142] JS4, page 13.
[143] For relevant recommendations, see A/HRC/21/3, paras. 129.39-129.41, 129.43-129.48, 129.78, 129.88, and 129.129.
[144] JS3, page 3.
[145] JS5, para. 5.
[146] JS6, para. 46.
[147] JS6, para. 4.
[148] JS3, page 10.
[149] WSC, para. 6.
[150] JS6, para. 12.
[151] WSC, para. 4.
[152] JS3, page 6.
[153] JS6, para. 30.
[154] JS6, para. 12.
[155] JS6, para. 27.
[156] AI, page 3.
[157] JS5, p..a. 7.
[158] JS2, para. 23.
[159] WSC, para. 15.
[160] FNAA, page 5.
[161] JS2, para. 23.
[162] JS3 page 6.
[163] JS3 page 7.
[164] JS13, para. 3.4.
[165] For relevant recommendations, see A/HRC/21/3, paras. 129.65, and 130.2.
[166] LMCD01, para. 50.
[167] Adala UK, page 8.
[168] JS13, para. 4.1.2.
[169] Adala-UK, page 8.
[170] JS5, para. 8.
[171] JS13, para. 4.2.
[172] JS5, para. 7.
[173] LMCD01, para. 20.
[174] JS5, para. 13 and 14.
[175] For relevant recommendations, see A/HRC/21/3, paras.129.41, 129.42.
[176] JS2, para. 44.
[177] JS5, para. 10.
[178] JS13 para. 1.1.13.
[179] For relevant recommendations, see A/HRC/21/3, para.130.11.
[180] JS8, para. 3.
[181] ASVD01, page 7.

[60] JS8, para. 37.
[61] FNAA, page 2.
[62] FNAA, page 3.
[63] 371, page 14.
[64] FNAA, page 4.
[65] JS8, para. 35.
[66] JS2, para. 39.
[67] FNAA, page 6 and 7.
[68] For relevant recommendations, see A/HRC/21/3, paras. 129.121, and 129.122.
[69] 071, pages 18 and 19.
[70] JS7, page 7.
[71] JS7, page 10.
[72] AI, page 7.
[73] AI, page 9.
[74] JS7, page 2.
[75] JS7, page 5.
[76] JS7, page 3.
[77] JS7, page 5.
[78] JS7, page 7.
[79] JS5, para. 9.
[80] JS7, page 10.
[81] JS7 page 10.
[82] For relevant recommendations, see A/HRC/21/3, paras. 130.3, 130.11, 130.12.
[83] UJS, page 13.
[84] WSC, para. 12.
[85] ASAVIM, para. 13 to 16.
[86] ASAVIM, para. 25 and 26.
[87] WSC, para. 15.
[88] JS8, page 9.
[89] WSC, para. 15.
[90] CONASAIDH, para. 42, JS10 para. 39 (II).
[91] CONASAIDH, para. 41.